

FIRST REGULAR SESSION

SENATE BILL NO. 426

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time February 23, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2004S.011

AN ACT

To repeal sections 92.047, 311.020, 311.055, 311.060, 311.070, 311.181, 311.182, 311.195, 311.200, 311.211, 311.212, 311.218, 311.265, 311.280, 311.290, 311.300, 311.332, 311.480, 311.482, 311.485, 311.486, 311.487, 311.520, 311.610, 311.630, 311.680, 311.685, 311.722, 312.010, 312.020, 312.030, 312.040, 312.050, 312.060, 312.070, 312.080, 312.090, 312.100, 312.110, 312.120, 312.130, 312.140, 312.150, 312.160, 312.170, 312.180, 312.190, 312.200, 312.210, 312.220, 312.230, 312.233, 312.235, 312.237, 312.270, 312.280, 312.290, 312.300, 312.310, 312.320, 312.330, 312.340, 312.350, 312.360, 312.370, 312.380, 312.390, 312.400, 312.405, 312.407, 312.410, 312.420, 312.430, 312.440, 312.450, 312.460, 312.470, 312.480, 312.484, 312.490, 312.500, 312.510, 313.075, 313.340, 313.665, 313.840, 571.107, and 650.005, RSMo, and to enact in lieu thereof thirty-four new sections relating to nonintoxicating beer, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 92.047, 311.020, 311.055, 311.060, 311.070, 311.181, 2 311.182, 311.195, 311.200, 311.211, 311.212, 311.218, 311.265, 311.280, 311.290, 3 311.300, 311.332, 311.480, 311.482, 311.485, 311.486, 311.487, 311.520, 311.610, 4 311.630, 311.680, 311.685, 311.722, 312.010, 312.020, 312.030, 312.040, 312.050, 5 312.060, 312.070, 312.080, 312.090, 312.100, 312.110, 312.120, 312.130, 312.140, 6 312.150, 312.160, 312.170, 312.180, 312.190, 312.200, 312.210, 312.220, 312.230, 7 312.233, 312.235, 312.237, 312.270, 312.280, 312.290, 312.300, 312.310, 312.320, 8 312.330, 312.340, 312.350, 312.360, 312.370, 312.380, 312.390, 312.400, 312.405, 9 312.407, 312.410, 312.420, 312.430, 312.440, 312.450, 312.460, 312.470, 312.480, 10 312.484, 312.490, 312.500, 312.510, 313.075, 313.340, 313.665, 313.840, 571.107,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 and 650.005, RSMo, are repealed and thirty-four new sections enacted in lieu
12 thereof, to be known as sections 92.047, 311.020, 311.055, 311.060, 311.070,
13 311.181, 311.182, 311.195, 311.200, 311.211, 311.212, 311.218, 311.265, 311.280,
14 311.290, 311.300, 311.332, 311.480, 311.482, 311.485, 311.486, 311.487, 311.520,
15 311.610, 311.630, 311.680, 311.685, 311.722, 313.075, 313.340, 313.665, 313.840,
16 571.107, and 650.005, to read as follows:

92.047. 1. All laws inconsistent with or repugnant to the foregoing shall
2 be deemed to have been repealed to the extent of such inconsistency or
3 repugnancy. The provisions of this statute shall in no way be construed to
4 prohibit any city which has a population in excess of seven hundred thousand
5 inhabitants from assessing, levying and collecting a tax pursuant to the
6 provisions of sections 92.110 through 92.200.

7 2. For the purposes of sections 92.041 to 92.047, [chapters 311 and 312,
8 RSMo 1959] **and chapter 311, RSMo**, as amended, or any section thereof, as
9 amended, shall not be construed to be inconsistent with or repugnant to the
10 provisions of sections 92.041 to 92.047, and shall not be deemed to have been
11 repealed by sections 92.041 to 92.047, but shall continue in full force and
12 effect. For the purpose of sections 92.041 to 92.047, no such city included within
13 the scope of sections 92.041 to 92.047 shall charge or exact an occupational
14 license tax on manufacturers, wholesalers, or retailers of alcoholic beverages [or
15 nonintoxicating beer] in excess of that permitted by [chapters 311 and 312]
16 **chapter 311, RSMo** for cities.

311.020. The term "intoxicating liquor" as used in this chapter, shall
2 mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous,
3 fermented, malt, or other liquors, or combination of liquors, a part of which is
4 spirituous, vinous, or fermented, and all preparations or mixtures for beverage
5 purposes, containing in excess of one-half of one percent by volume [except for
6 nonintoxicating beer as defined in section 312.010, RSMo]. All beverages having
7 an alcoholic content of less than one-half of one percent by volume shall be
8 exempt from the provisions of this chapter, but subject to inspection as provided
9 by sections 196.365 to 196.445, RSMo.

311.055. No person at least twenty-one years of age shall be required to
2 obtain a license to manufacture [nonintoxicating beer, as defined in section
3 312.010, RSMo, or] intoxicating liquor, as defined in section 311.020, for personal
4 or family use. The aggregate amount of [nonintoxicating beer or] intoxicating
5 liquor manufactured per household shall not exceed two hundred gallons per

6 calendar year if there are two or more persons over the age of twenty-one years
7 in such household, or one hundred gallons per calendar year if there is only one
8 person over the age of twenty-one years in such household.

311.060. 1. No person shall be granted a license hereunder unless such
2 person is of good moral character and a qualified legal voter and a taxpaying
3 citizen of the county, town, city or village, nor shall any corporation be granted
4 a license hereunder unless the managing officer of such corporation is of good
5 moral character and a qualified legal voter and taxpaying citizen of the county,
6 town, city or village; and no person shall be granted a license or permit hereunder
7 whose license as such dealer has been revoked, or who has been convicted, since
8 the ratification of the twenty-first amendment to the Constitution of the United
9 States, of a violation of the provisions of any law applicable to the manufacture
10 or sale of intoxicating liquor, or who employs in his business as such dealer, any
11 person whose license has been revoked or who has been convicted of violating
12 such law since the date aforesaid; provided, that nothing in this section contained
13 shall prevent the issuance of licenses to nonresidents of Missouri or foreign
14 corporations for the privilege of selling to duly licensed wholesalers and soliciting
15 orders for the sale of intoxicating liquors to, by or through a duly licensed
16 wholesaler, within this state.

17 2. (1) No person, partnership or corporation shall be qualified for a
18 license under this law if such person, any member of such partnership, or such
19 corporation, or any officer, director, or any stockholder owning, legally or
20 beneficially, directly or indirectly, ten percent or more of the stock of such
21 corporation, or other financial interest therein, or ten percent or more of the
22 interest in the business for which the person, partnership or corporation is
23 licensed, or any person employed in the business licensed under this law shall
24 have had a license revoked under this law or shall have been convicted of
25 violating the provisions of any law applicable to the manufacture or sale of
26 intoxicating liquor since the ratification of the twenty-first amendment to the
27 Constitution of the United States, or shall not be a person of good moral
28 character.

29 (2) No license issued under this chapter [or chapter 312, RSMo,] shall be
30 denied, suspended, revoked or otherwise affected based solely on the fact that an
31 employee of the licensee has been convicted of a felony unrelated to the
32 manufacture or sale of intoxicating liquor so long as any such employee does not
33 directly participate in retail sales of intoxicating liquor. Each employer shall

34 report the identity of any employee convicted of a felony to the division of liquor
35 control. The division of liquor control shall promulgate rules to enforce the
36 provisions of this subdivision.

37 (3) No wholesaler license shall be issued to a corporation for the sale of
38 intoxicating liquor containing alcohol in excess of five percent by weight, except
39 to a resident corporation as defined in this section.

40 3. A "resident corporation" is defined to be a corporation incorporated
41 under the laws of this state, all the officers and directors of which, and all the
42 stockholders, who legally and beneficially own or control sixty percent or more of
43 the stock in amount and in voting rights, shall be qualified legal voters and
44 taxpaying citizens of the county and municipality in which they reside and who
45 shall have been bona fide residents of the state for a period of three years
46 continuously immediately prior to the date of filing of application for a license,
47 provided that a stockholder need not be a voter or a taxpayer, and all the resident
48 stockholders of which shall own, legally and beneficially, at least sixty percent of
49 all the financial interest in the business to be licensed under this law; provided,
50 that no corporation, licensed under the provisions of this law on January 1, 1947,
51 nor any corporation succeeding to the business of a corporation licensed on
52 January 1, 1947, as a result of a tax-free reorganization coming within the
53 provisions of Section 112, United States Internal Revenue Code, shall be
54 disqualified by reason of the new requirements herein, except corporations
55 engaged in the manufacture of alcoholic beverages containing alcohol in excess
56 of five percent by weight, or owned or controlled, directly or indirectly, by
57 nonresident persons, partnerships or corporations engaged in the manufacture of
58 alcoholic beverages containing alcohol in excess of five percent by weight.

59 4. The term "financial interest" as used in this chapter is defined to mean
60 all interest, legal or beneficial, direct or indirect, in the capital devoted to the
61 licensed enterprise and all such interest in the net profits of the enterprise, after
62 the payment of reasonable and necessary operating business expenses and taxes,
63 including interest in dividends, preferred dividends, interest and profits, directly
64 or indirectly paid as compensation for, or in consideration of interest in, or for use
65 of, the capital devoted to the enterprise, or for property or money advanced,
66 loaned or otherwise made available to the enterprise, except by way of ordinary
67 commercial credit or bona fide bank credit not in excess of credit customarily
68 granted by banking institutions, whether paid as dividends, interest or profits,
69 or in the guise of royalties, commissions, salaries, or any other form whatsoever.

70 5. The supervisor shall by regulation require all applicants for licenses to
71 file written statements, under oath, containing the information reasonably
72 required to administer this section. Statements by applicants for licenses as
73 wholesalers and retailers shall set out, with other information required, full
74 information concerning the residence of all persons financially interested in the
75 business to be licensed as required by regulation. All material changes in the
76 information filed shall be promptly reported to the supervisor.

311.070. 1. Distillers, wholesalers, winemakers, brewers or their
2 employees, officers or agents shall not, except as provided in this section, directly
3 or indirectly, have any financial interest in the retail business for sale of
4 intoxicating liquors, and shall not, except as provided in this section, directly or
5 indirectly, loan, give away or furnish equipment, money, credit or property of any
6 kind, except ordinary commercial credit for liquors sold to such retail
7 dealers. However, notwithstanding any other provision of this chapter to the
8 contrary, for the purpose of the promotion of tourism, a distiller whose
9 manufacturing establishment is located within this state may apply for and the
10 supervisor of liquor control may issue a license to sell intoxicating liquor, as in
11 this chapter defined, by the drink at retail for consumption on the premises
12 where sold; and provided further that the premises so licensed shall be in close
13 proximity to the distillery and may remain open between the hours of 6:00 a.m.
14 and midnight, Monday through Saturday and between the hours of 11:00 a.m. and
15 9:00 p.m., Sunday. The authority for the collection of fees by cities and counties
16 as provided in section 311.220, and all other laws and regulations relating to the
17 sale of liquor by the drink for consumption on the premises where sold, shall
18 apply to the holder of a license issued under the provisions of this section in the
19 same manner as they apply to establishments licensed under the provisions of
20 section 311.085, 311.090, or 311.095.

21 2. Any distiller, wholesaler, winemaker or brewer who shall violate the
22 provisions of subsection 1 of this section, or permit his employees, officers or
23 agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof
24 shall be punished as follows:

25 (1) For the first offense, by a fine of one thousand dollars;
26 (2) For a second offense, by a fine of five thousand dollars; and
27 (3) For a third or subsequent offense, by a fine of ten thousand dollars or
28 the license of such person shall be revoked.

29 3. As used in this section, the following terms mean:

30 (1) "Consumer advertising specialties", advertising items that are
31 designed to be carried away by the consumer, such items include, but are not
32 limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle
33 or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets,
34 cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;

35 (2) "Equipment and supplies", glassware (or similar containers made of
36 other material), dispensing accessories, carbon dioxide (and other gasses used in
37 dispensing equipment) or ice. "Dispensing accessories" include standards,
38 faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings,
39 gas gauges, vent tongues, shanks, and check valves;

40 (3) "Permanent point-of-sale advertising materials", advertising items
41 designed to be used within a retail business establishment for an extended period
42 of time to attract consumer attention to the products of a distiller, wholesaler,
43 winemaker or brewer. Such materials shall only include inside signs (electric,
44 mechanical or otherwise), mirrors, and sweepstakes/contest prizes displayed on
45 the licensed premises;

46 (4) "Product display", wine racks, bins, barrels, casks, shelving or similar
47 items the primary function of which is to hold and display consumer products;

48 (5) "Promotion", an advertising and publicity campaign to further the
49 acceptance and sale of the merchandise or products of a distiller, wholesaler,
50 winemaker or brewer;

51 (6) "Temporary point-of-sale advertising materials", advertising items
52 designed to be used for short periods of time. Such materials include, but are not
53 limited to: banners, decorations reflecting a particular season or a limited-time
54 promotion, or paper napkins, coasters, cups, or menus.

55 4. Notwithstanding other provisions contained herein, the distiller,
56 wholesaler, winemaker or brewer, or their employees, officers or agents may
57 engage in the following activities with a retail licensee licensed pursuant to this
58 chapter [or chapter 312, RSMo]:

59 (1) The distiller, wholesaler, winemaker or brewer may give or sell
60 product displays to a retail business if all of the following requirements are met:

61 (a) The total value of all product displays given or sold to a retail business
62 shall not exceed three hundred dollars per brand at any one time in any one
63 retail outlet. There shall be no combining or pooling of the three hundred dollar
64 limits to provide a retail business a product display in excess of three hundred
65 dollars per brand. The value of a product display is the actual cost to the

66 distiller, wholesaler, winemaker or brewer who initially purchased such product
67 display. Transportation and installation costs shall be excluded;

68 (b) All product displays shall bear in a conspicuous manner substantial
69 advertising matter on the product or the name of the distiller, wholesaler,
70 winemaker or brewer. The name and address of the retail business may appear
71 on the product displays; and

72 (c) The giving or selling of product displays may be conditioned on the
73 purchase of intoxicating beverages advertised on the displays by the retail
74 business in a quantity necessary for the initial completion of the product display.
75 No other condition shall be imposed by the distiller, wholesaler, winemaker or
76 brewer on the retail business in order for such retail business to obtain the
77 product display;

78 (2) Notwithstanding any provision of law to the contrary, the distiller,
79 wholesaler, winemaker or brewer may provide, give or sell any permanent
80 point-of-sale advertising materials, temporary point-of-sale advertising materials,
81 and consumer advertising specialties to a retail business if all the following
82 requirements are met:

83 (a) The total value of all permanent point-of-sale advertising materials
84 provided to a retail business by a distiller, wholesaler, winemaker, or brewer
85 shall not exceed five hundred dollars per calendar year, per brand, per retail
86 outlet. The value of permanent point-of-sale advertising materials is the actual
87 cost to the distiller, wholesaler, winemaker or brewer who initially purchased
88 such item. Transportation and installation costs shall be excluded. All
89 permanent point-of-sale advertising materials provided to a retailer shall be
90 recorded, and records shall be maintained for a period of three years;

91 (b) The provider of permanent point-of-sale advertising materials shall
92 own and otherwise control the use of permanent point-of-sale advertising
93 materials that are provided by any distiller, wholesaler, winemaker, or brewer;

94 (c) All permanent point-of-sale advertising materials, temporary
95 point-of-sale advertising materials, and consumer advertising specialties shall
96 bear in a conspicuous manner substantial advertising matter about the product
97 or the name of the distiller, wholesaler, winemaker or brewer. The name, address
98 and logos of the retail business may appear on the permanent point-of-sale
99 advertising materials, temporary point-of-sale advertising materials, or the
100 consumer advertising specialties; and

101 (d) The distiller, wholesaler, winemaker or brewer shall not directly or

102 indirectly pay or credit the retail business for using or distributing the permanent
103 point-of-sale advertising materials, temporary point-of-sale advertising materials,
104 or consumer advertising specialties or for any incidental expenses arising from
105 their use or distribution;

106 (3) A distiller, wholesaler, winemaker, or brewer may give a gift not to
107 exceed a value of one thousand dollars per year to a holder of a temporary permit
108 as defined in section 311.482;

109 (4) The distiller, wholesaler, winemaker or brewer may sell equipment or
110 supplies to a retail business if all the following requirements are met:

111 (a) The equipment and supplies shall be sold at a price not less than the
112 cost to the distiller, wholesaler, winemaker or brewer who initially purchased
113 such equipment and supplies; and

114 (b) The price charged for the equipment and supplies shall be collected in
115 accordance with credit regulations as established in the code of state regulations;

116 (5) The distiller, wholesaler, winemaker or brewer may install dispensing
117 accessories at the retail business establishment, which shall include for the
118 purposes of [intoxicating and nonintoxicating] beer equipment to properly
119 preserve and serve draught beer only and to facilitate the delivery to the retailer
120 the brewers and wholesalers may lend, give, rent or sell and they may install or
121 repair any of the following items or render to retail licensees any of the following
122 services: beer coils and coil cleaning, sleeves and wrappings, box couplings and
123 draft arms, beer faucets and tap markers, beer and air hose, taps, vents and
124 washers, gauges and regulators, beer and air distributors, beer line insulation,
125 coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps,
126 blankets or other coverings for temporary wrappings of barrels, coil box overflow
127 pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle
128 irons, ice box grates, floor runways; and damage caused by any beer delivery
129 excluding normal wear and tear and a complete record of equipment furnished
130 and installed and repairs and service made or rendered must be kept by the
131 brewer or wholesalers furnishing, making or rendering same for a period of not
132 less than one year;

133 (6) The distiller, wholesaler, winemaker or brewer may furnish, give or
134 sell coil cleaning service to a retailer of distilled spirits, wine or malt beverages;

135 (7) A wholesaler of intoxicating liquor may furnish or give and a retailer
136 may accept a sample of distilled spirits or wine as long as the retailer has not
137 previously purchased the brand from that wholesaler, if all the following

138 requirements are met:

139 (a) The wholesaler may furnish or give not more than seven hundred fifty
140 milliliters of any brand of distilled spirits and not more than seven hundred fifty
141 milliliters of any brand of wine; if a particular product is not available in a size
142 within the quantity limitations of this subsection, a wholesaler may furnish or
143 give to a retailer the next larger size;

144 (b) The wholesaler shall keep a record of the name of the retailer and the
145 quantity of each brand furnished or given to such retailer;

146 (c) For the purposes of this subsection, no samples of intoxicating liquor
147 provided to retailers shall be consumed on the premises nor shall any sample of
148 intoxicating liquor be opened on the premises of the retailer except as provided
149 by the retail license;

150 (d) For the purpose of this subsection, the word "brand" refers to
151 differences in brand name of product or differences in nature of product; examples
152 of different brands would be products having a difference in: brand name; class,
153 type or kind designation; appellation of origin (wine); viticulture area (wine);
154 vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences
155 in packaging such a different style, type, size of container, or differences in color
156 or design of a label are not considered different brands;

157 (8) The distiller, wholesaler, winemaker or brewer may package and
158 distribute intoxicating beverages in combination with other nonalcoholic items as
159 originally packaged by the supplier for sale ultimately to consumers;
160 notwithstanding any provision of law to the contrary, for the purpose of this
161 subsection, intoxicating liquor and wine wholesalers are not required to charge
162 for nonalcoholic items any more than the actual cost of purchasing such
163 nonalcoholic items from the supplier;

164 (9) The distiller, wholesaler, winemaker or brewer may sell or give the
165 retail business newspaper cuts, mats or engraved blocks for use in the
166 advertisements of the retail business;

167 (10) The distiller, wholesaler, winemaker or brewer may in an
168 advertisement list the names and addresses of two or more unaffiliated retail
169 businesses selling its product if all of the following requirements are met:

170 (a) The advertisement shall not contain the retail price of the product;

171 (b) The listing of the retail businesses shall be the only reference to such
172 retail businesses in the advertisement;

173 (c) The listing of the retail businesses shall be relatively inconspicuous in

174 relation to the advertisement as a whole; and

175 (d) The advertisement shall not refer only to one retail business or only
176 to a retail business controlled directly or indirectly by the same retail business;

177 (11) Distillers, winemakers, wholesalers, brewers or retailers may conduct
178 a local or national sweepstakes/contest upon a licensed retail premise. The
179 sweepstakes/contest prize dollar amount shall not be limited and can be displayed
180 in a photo, banner, or other temporary point-of-sale advertising materials on a
181 licensed premises, if the following requirements are met:

182 (a) No money or something of value is given to the retailer for the
183 privilege or opportunity of conducting the sweepstakes or contest; and

184 (b) The actual sweepstakes/contest prize is not displayed on the licensed
185 premises if the prize value exceeds the permanent point-of-sale advertising
186 materials dollar limit provided in this section;

187 (12) The distiller, wholesaler, winemaker or brewer may stock, rotate,
188 rearrange or reset the products sold by such distiller, wholesaler, winemaker or
189 brewer at the establishment of the retail business so long as the products of any
190 other distiller, wholesaler, winemaker or brewer are not altered or disturbed;

191 (13) The distiller, wholesaler, winemaker or brewer may provide a
192 recommended shelf plan or shelf schematic for distilled spirits, wine or malt
193 beverages;

194 (14) The distiller, wholesaler, winemaker or brewer participating in the
195 activities of a retail business association may do any of the following:

196 (a) Display, serve, or donate its products at or to a convention or trade
197 show;

198 (b) Rent display booth space if the rental fee is the same paid by all
199 others renting similar space at the association activity;

200 (c) Provide its own hospitality which is independent from the association
201 activity;

202 (d) Purchase tickets to functions and pay registration or sponsorship fees
203 if such purchase or payment is the same as that paid by all attendees,
204 participants or exhibitors at the association activity;

205 (e) Make payments for advertisements in programs or brochures issued
206 by retail business associations if the total payments made for all such
207 advertisements are fair and reasonable;

208 (f) Pay dues to the retail business association if such dues or payments
209 are fair and reasonable;

210 (g) Make payments or donations for retail employee training on preventive
211 sales to minors and intoxicated persons, checking identifications, age verification
212 devices, and the liquor control laws;

213 (h) Make contributions not to exceed one thousand dollars per calendar
214 year for transportation services that shall be used to assist patrons from retail
215 establishments to his or her residence or overnight accommodations;

216 (i) Donate or serve up to five hundred dollars per event of alcoholic
217 products at retail business association activities; and

218 (j) Any retail business association that receives payments or donations
219 shall, upon written request, provide the division of alcohol and tobacco control
220 with copies of relevant financial records and documents to ensure compliance with
221 this subsection;

222 (15) The distiller, wholesaler, winemaker or brewer may sell or give a
223 permanent outside sign to a retail business if the following requirements are met:

224 (a) The sign, which shall be constructed of metal, glass, wood, plastic, or
225 other durable, rigid material, with or without illumination, or painted or
226 otherwise printed onto a rigid material or structure, shall bear in a conspicuous
227 manner substantial advertising matter about the product or the name of the
228 distiller, wholesaler, winemaker or brewer;

229 (b) The retail business shall not be compensated, directly or indirectly, for
230 displaying the permanent sign or a temporary banner;

231 (c) The cost of the permanent sign shall not exceed five hundred dollars;
232 and

233 (d) Temporary banners of a seasonal nature or promoting a specific event
234 shall not be constructed to be permanent outdoor signs and may be provided to
235 retailers. The total cost of temporary outdoor banners provided to a retailer in
236 use at any one time shall not exceed five hundred dollars per brand;

237 (16) A wholesaler may, but shall not be required to, exchange for an equal
238 quantity of identical product or allow credit against outstanding indebtedness for
239 intoxicating liquor with alcohol content of less than five percent by weight [or
240 nonintoxicating beer] that was delivered in a damaged condition or damaged
241 while in the possession of the retailer;

242 (17) To assure and control product quality, wholesalers at the time of a
243 regular delivery may, but shall not be required to, withdraw, with the permission
244 of the retailer, a quantity of intoxicating liquor with alcohol content of less than
245 five percent by weight [or nonintoxicating beer] in its undamaged original carton

246 from the retailer's stock, if the wholesaler replaces the product with an equal
247 quantity of identical product;

248 (18) In addition to withdrawals authorized pursuant to subdivision (17)
249 of this subsection, to assure and control product quality, wholesalers at the time
250 of a regular delivery may, but shall not be required to, withdraw, with the
251 permission of the retailer, a quantity of intoxicating liquor with alcohol content
252 of less than five percent by weight [and nonintoxicating beer] in its undamaged
253 original carton from the retailer's stock and give the retailer credit against
254 outstanding indebtedness for the product if:

255 (a) The product is withdrawn at least thirty days after initial delivery and
256 within twenty-one days of the date considered by the manufacturer of the product
257 to be the date the product becomes inappropriate for sale to a consumer; and

258 (b) The quantity of product withdrawn does not exceed the equivalent of
259 twenty-five cases of twenty-four twelve-ounce containers; and

260 (c) To assure and control product quality, a wholesaler may, but not be
261 required to, give a retailer credit for intoxicating liquor with an alcohol content
262 of less than five percent by weight [or nonintoxicating beer], in a container with
263 a capacity of four gallons or more, delivered but not used, if the wholesaler
264 removes the product within seven days of the initial delivery; and

265 (19) Nothing in this section authorizes consignment sales.

266 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in
267 business as a bona fide producer or vendor of nonalcoholic beverages shall not
268 condition the sale of its alcoholic beverages on the sale of its nonalcoholic
269 beverages nor combine the sale of its alcoholic beverages with the sale of its
270 nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of
271 this section. The distiller, wholesaler, winemaker, or brewer that is also in
272 business as a bona fide producer or vendor of nonalcoholic beverages may sell,
273 credit, market, and promote nonalcoholic beverages in the same manner in which
274 the nonalcoholic products are sold, credited, marketed, or promoted by a
275 manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco
276 control;

277 (2) Any fixtures, equipment, or furnishings provided by any distiller,
278 wholesaler, winemaker, or brewer in furtherance of the sale of nonalcoholic
279 products shall not be used by the retail licensee to store, service, display,
280 advertise, furnish, or sell, or aid in the sale of alcoholic products regulated by the
281 supervisor of alcohol and tobacco control. All such fixtures, equipment, or

282 furnishings shall be identified by the retail licensee as being furnished by a
283 licensed distiller, wholesaler, winemaker, or brewer.

284 6. Distillers, wholesalers, brewers and winemakers, or their officers or
285 directors shall not require, by agreement or otherwise, that any retailer purchase
286 any intoxicating liquor from such distillers, wholesalers, brewers or winemakers
287 to the exclusion in whole or in part of intoxicating liquor sold or offered for sale
288 by other distillers, wholesalers, brewers, or winemakers.

289 7. Notwithstanding any other provisions of this chapter to the contrary,
290 a distiller or wholesaler may install dispensing accessories at the retail business
291 establishment, which shall include for the purposes of distilled spirits, equipment
292 to properly preserve and serve premixed distilled spirit beverages only. To
293 facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent
294 or sell and the distiller or wholesaler may install or repair any of the following
295 items or render to retail licensees any of the following services: coils and coil
296 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping
297 heads, hoses, valves and other minor tapping equipment components, and damage
298 caused by any delivery excluding normal wear and tear. A complete record of
299 equipment furnished and installed and repairs or service made or rendered shall
300 be kept by the distiller or wholesaler furnishing, making or rendering the same
301 for a period of not less than one year.

302 8. Distillers, wholesalers, winemakers, brewers or their employees or
303 officers shall be permitted to make contributions of money or merchandise to a
304 licensed retail liquor dealer that is a charitable, fraternal, civic, service,
305 veterans', or religious organization as defined in section 313.005, RSMo, or an
306 educational institution if such contributions are unrelated to such organization's
307 retail operations.

308 9. Distillers, brewers, wholesalers, and winemakers may make payments
309 for advertisements in programs or brochures of tax-exempt organizations licensed
310 under section 311.090 if the total payments made for all such advertisements are
311 the same as those paid by other vendors.

312 10. [Notwithstanding any other provision of this chapter or chapter 312,
313 RSMo, to the contrary,] A brewer or manufacturer, its employees, officers or
314 agents may have a financial interest in the retail business for sale of intoxicating
315 liquors [and nonintoxicating beer] at entertainment facilities owned, in whole or
316 in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but
317 not limited to, arenas and stadiums used primarily for concerts, shows and

318 sporting events of all kinds.

319 11. [Notwithstanding any other provision of this chapter or chapter 312,
320 RSMo, to the contrary,] For the purpose of the promotion of tourism, a wine
321 manufacturer, its employees, officers or agents located within this state may
322 apply for and the supervisor of liquor control may issue a license to sell
323 intoxicating liquor, as defined in this chapter, by the drink at retail for
324 consumption on the premises where sold, if the premises so licensed is in close
325 proximity to the winery. Such premises shall be closed during the hours specified
326 under section 311.290 and may remain open between the hours of 9:00 a.m. and
327 midnight on Sunday.

328 12. [Notwithstanding any other provision of this chapter or chapter 312,
329 RSMo, to the contrary,] For the purpose of the promotion of tourism, a person
330 may apply for and the supervisor of liquor control may issue a license to sell
331 intoxicating liquor by the drink at retail for consumption on the premises where
332 sold, but seventy-five percent or more of the intoxicating liquor sold by such
333 licensed person shall be Missouri-produced wines received from manufacturers
334 licensed under section 311.190. Such premises may remain open between the
335 hours of 6:00 a.m. and midnight, Monday through Saturday, and between the
336 hours of 11:00 a.m. and 9:00 p.m. on Sundays.

311.181. 1. In addition to any other information or documents required
2 by law, an applicant for a license which grants alone or with other privileges, the
3 privilege of selling intoxicating liquor containing not in excess of five percent of
4 alcohol by weight [or the privilege of selling nonintoxicating beer as defined in
5 chapter 312, RSMo,] by a wholesaler to a person duly licensed to sell such malt
6 liquor [or nonintoxiating beer] at retail shall submit to the supervisor of liquor
7 control a statement under oath designating clearly the geographical area within
8 which the applicant has been authorized by the brewer to sell such malt liquor
9 [or nonintoxicating beer], the brand or brands he proposes to sell, and the brewer
10 or brewers who manufacture the brands, and affirming that the applicant will
11 maintain a warehouse and delivery facilities within the designated geographical
12 area. Each such wholesaler applicant shall enter into a written agreement with
13 the brewer of the brand or brands which the applicant proposes to sell, which
14 agreement must specifically designate a geographic area within which such
15 wholesaler applicant is authorized to sell such brand or brands. A copy of such
16 written agreement shall be filed with the supervisor of liquor control as a part of
17 such application. It shall be unlawful for any such wholesaler applicant, who is

18 granted a license hereunder, to sell any brand or brands of malt liquor [or
19 nonintoxicating beer] in the state of Missouri except in the designated geographic
20 area described in said agreement. Provided, however, that when such an
21 applicant is prevented from servicing the designated geographic area due to fire,
22 flood, or other causes beyond his reasonable control, another licensed wholesaler
23 not within the designated geographic area may sell the specified brands of malt
24 liquor [or nonintoxicating beer] in that designated geographic area, if the
25 applicant wholesaler who is prevented from servicing the area consents thereto
26 and approval is obtained from the applicable brewer and the supervisor of liquor
27 control.

28 2. A specified geographic area designation in any agreement required by
29 this section shall be changed only upon a written agreement between the
30 wholesaler and the brewer, and shall be filed pursuant to this section and the
31 supervisor shall require the brewer and wholesaler to verify that the level of
32 service within the designated geographic area will not be affected by such change.

33 3. No provision of any written agreement required by this section shall
34 expressly or by implication or in its operation establish or maintain the resale
35 price of any brand or brands of beer by the licensed wholesaler.

36 4. The provisions of section 311.720 and section 312.510, RSMo, shall not
37 apply to this section.

311.182. 1. No brewer or manufacturer of malt liquor [or nonintoxicating
2 beer], who designates a specific geographic area for which a wholesaler shall be
3 responsible, shall enter into any agreement with any other person for the purpose
4 of establishing an additional wholesaler for the same brands of malt liquor [or
5 nonintoxicating beer] in such designated area. Provided, however, that section
6 311.181 and this section shall not prevent a brewer, manufacturer or wholesaler
7 of malt liquor [or nonintoxicating beer] from exercising or enforcing any rights
8 or obligations established by or contained within any written agreement required
9 by section 311.181.

10 2. Any wholesaler or brewer who shall violate the provisions of section
11 311.181 or this section, or permit his employees, officers or agents to do so, shall
12 be guilty of a misdemeanor, and upon conviction thereof shall be punished only
13 as follows:

- 14 (1) For the first offense, by a fine of one thousand dollars;
- 15 (2) For a second offense, by a fine of five thousand dollars; and
- 16 (3) For a third offense, by a fine of twenty-five thousand dollars.

17 3. The provisions of section 311.720 and section 312.510, RSMo, shall not
18 apply to this section.

 311.195. 1. As used in this section, the term "microbrewery" means a
2 business whose primary activity is the brewing and selling of beer, with an
3 annual production of ten thousand barrels or less.

4 2. A microbrewer's license shall authorize the licensee to manufacture
5 beer and malt liquor in quantities not to exceed ten thousand barrels per annum.
6 In lieu of the charges provided in section 311.180, a license fee of five dollars for
7 each one hundred barrels or fraction thereof, up to a maximum license fee of two
8 hundred fifty dollars, shall be paid to and collected by the director of revenue.

9 3. Notwithstanding any other provision of this chapter [or chapter 312,
10 RSMo,] to the contrary, the holder of a microbrewer's license may apply for, and
11 the supervisor of alcohol and tobacco control may issue, a license to sell
12 intoxicating liquor by the drink at retail for consumption on the premises. No
13 holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or
14 affiliate thereof, shall have more than ten licenses to sell intoxicating liquor by
15 the drink at retail for consumption on the premises. The authority for the
16 collection of fees by cities and counties as provided in section 311.220, and all
17 other laws and regulations relating to the sale of liquor by the drink for
18 consumption on the premises where sold, shall apply to the holder of a license
19 issued under the provisions of this section in the same manner as they apply to
20 establishments licensed under the provisions of section 311.085, 311.090, 311.095,
21 or 311.097.

22 4. The holder of a microbrewer's license may also sell beer and malt liquor
23 produced on the brewery premises to duly licensed wholesalers. However, holders
24 of a microbrewer's license shall not, under any circumstances, directly or
25 indirectly, have any financial interest in any wholesaler's business, and all such
26 sales to wholesalers shall be subject to the restrictions of sections 311.181 and
27 311.182.

28 5. A microbrewer who is a holder of a license to sell intoxicating liquor by
29 the drink at retail for consumption on the premises shall be exempt from the
30 provisions of section 311.280, for such intoxicating liquor that is produced on the
31 premises in accordance with the provisions of this chapter. For all other
32 intoxicating liquor sold by the drink at retail for consumption on the premises
33 that the microbrewer possesses a license for must be obtained in accordance with
34 section 311.280.

311.200. 1. No license shall be issued for the sale of intoxicating liquor
2 in the original package, not to be consumed upon the premises where sold, except
3 to a person engaged in, and to be used in connection with, the operation of one
4 or more of the following businesses: a drug store, a cigar and tobacco store, a
5 grocery store, a general merchandise store, a confectionery or delicatessen store,
6 nor to any such person who does not have and keep in his store a stock of goods
7 having a value according to invoices of at least one thousand dollars, exclusive of
8 fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall
9 be consumed on the premises where sold nor shall any original package be opened
10 on the premises of the vendor except as otherwise provided in this law. For every
11 license for sale at retail in the original package, the licensee shall pay to the
12 director of revenue the sum of one hundred dollars per year.

13 2. For a permit authorizing the sale of malt liquor [containing alcohol in
14 excess of three and two-tenths percent by weight and] not in excess of five percent
15 by weight by grocers and other merchants and dealers in the original package
16 direct to consumers but not for resale, a fee of fifty dollars per year payable to the
17 director of the department of revenue shall be required. The phrase "original
18 package" shall be construed and held to refer to any package containing three or
19 more standard bottles of beer. [This license shall also permit the holders thereof
20 to sell nonintoxicating beer in the original package direct to consumers, but not
21 for resale.] Notwithstanding the provisions of section 311.290, any person
22 licensed pursuant to this subsection may also sell malt liquor at retail between
23 the hours of 9:00 a.m. and midnight on Sunday.

24 3. For every license issued for the sale of malt liquor at retail by drink for
25 consumption on the premises where sold, the licensee shall pay to the director of
26 revenue the sum of fifty dollars per year[, which license shall also permit the
27 holder thereof to sell nonintoxicating beer as defined in chapter 312,
28 RSMo]. Notwithstanding the provisions of section 311.290, any person licensed
29 pursuant to this subsection may also sell malt liquor at retail between the hours
30 of 9:00 a.m. and midnight on Sunday.

31 4. For every license issued for the sale of malt liquor and light wines
32 containing not in excess of fourteen percent of alcohol by weight made exclusively
33 from grapes, berries and other fruits and vegetables, at retail by the drink for
34 consumption on the premises where sold, the licensee shall pay to the director of
35 revenue the sum of fifty dollars per year[, which license shall also permit the
36 holder thereof to sell nonintoxicating beer as defined in chapter 312, RSMo].

37 5. For every license issued for the sale of all kinds of intoxicating liquor,
38 at retail by the drink for consumption on premises of the licensee, the licensee
39 shall pay to the director of revenue the sum of three hundred dollars per year,
40 which shall include the sale of intoxicating liquor in the original package.

41 6. For every license issued to any railroad company, railway sleeping car
42 company operated in this state, for sale of all kinds of intoxicating liquor, as
43 defined in this chapter, at retail for consumption on its dining cars, buffet cars
44 and observation cars, the sum of one hundred dollars per year; except that such
45 license shall not permit sales at retail to be made while such cars are stopped at
46 any station. A duplicate of such license shall be posted in every car where such
47 beverage is sold or served, for which the licensee shall pay a fee of one dollar for
48 each duplicate license.

49 7. All applications for licenses shall be made upon such forms and in such
50 manner as the supervisor of alcohol and tobacco control shall prescribe. No
51 license shall be issued until the sum prescribed by this section for such license
52 shall be paid to the director of revenue.

311.211. Sales of tickets for participation in fishing contests wherein the
2 skill of the participant is an element shall not be construed as gambling or
3 participation in gambling activities for the purpose of administering the
4 provisions of [chapters 311 and 312, RSMo,] **this chapter** or rules and
5 regulations made pursuant thereto. The division of liquor control shall not deny,
6 suspend or revoke any license issued under those chapters because of the sale of
7 such tickets on the licensed premises.

311.212. The division of liquor control shall not suspend, revoke, refuse
2 to renew or refuse to grant a license issued under the provisions of this chapter
3 [or chapter 312, RSMo,] based on a violation of any provision of this chapter or
4 chapter 312, RSMo, or of any rule or regulation promulgated by the supervisor
5 of liquor control, when such violation occurred more than three years prior to the
6 division's decision to suspend, revoke, refuse to renew or refuse to grant such
7 license.

311.218. 1. Other provisions of this chapter to the contrary
2 notwithstanding, a permit for the sale of wine and malt liquor [containing alcohol
3 in excess of three and two-tenths percent by weight], for consumption on the
4 premises where sold may be issued to any church, school, civic, service, fraternal,
5 veteran, political, or charitable club or organization for sale of such wine and
6 malt liquor at any picnic, bazaar, fair, festival or similar gathering or event held

7 to commemorate the annual anniversary of the signing of the Declaration of
8 Independence of the United States. Such permit shall be issued only during the
9 period from June fifteenth to July fifteenth annually and only for the day or days
10 named therein and it shall not authorize the sale of wine and malt liquor except
11 between the hours of 10:00 a.m. and midnight and for not more than seven days
12 by any such organization. The permit may be issued to cover more than one place
13 of sale within the general confines of the place where the gathering or event is
14 held; provided, however, no permit shall be issued to any organization which
15 selects or restricts the membership thereof on the basis of race, religion, color,
16 creed, or place of national origin. For the permit, the holder thereof shall pay to
17 the director of revenue the sum of one hundred dollars. No provision of law or
18 rule or regulation of the supervisor shall prevent any wholesaler or distributor
19 from providing customary storage, cooling or dispensing equipment for use by the
20 holder of the permit at such gathering or event.

21 2. As used in this section the term "wine" means a beverage containing
22 not in excess of fourteen percent of alcohol by weight.

311.265. When a retailer licensed under [chapter 311 or chapter 312,
2 RSMo,] **this chapter** is delinquent beyond the permissible ordinary commercial
3 credit period, the wholesaler shall notify the supervisor of liquor control in
4 writing of the debt and no new or renewal license shall be issued to the retailer
5 until the reported debt is satisfied. The wholesaler shall immediately notify the
6 supervisor of liquor control in writing when the debt is satisfied. As used in this
7 section, the term "retailer" shall include an individual, corporation, partnership
8 or limited liability company, all officers and directors of such person or entity and
9 all stockholders owning, legally or beneficially, directly or indirectly, ten percent
10 or more of the stock of such person or entity.

311.280. 1. It shall be unlawful for any person in this state holding a
2 retail liquor license to purchase any intoxicating liquor except from, by or through
3 a duly licensed wholesale liquor dealer in this state. It shall be unlawful for such
4 retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in
5 violation of the provisions of this section. Any person violating any provision of
6 this section shall be deemed guilty of a misdemeanor.

7 2. Any retailer licensed pursuant to this chapter shall not:

8 (1) Sell intoxicating liquor [or nonintoxicating beer] with an alcohol
9 content of less than five percent by weight to the consumer in an original carton
10 received from the wholesaler that has been mutilated, torn apart, or cut apart;

11 or

12 (2) Repackage intoxicating liquor [or nonintoxicating beer] with an alcohol
13 content of less than five percent by weight in a manner misleading to the
14 consumer or that results in required labeling being omitted or obscured.

311.290. No person having a license issued pursuant to this chapter [or
2 chapter 312, RSMo], nor any employee of such person, shall sell, give away, or
3 permit the consumption of any intoxicating liquor in any quantity between the
4 hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m.
5 Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the person
6 has a license to sell intoxicating liquor by the drink, his premises shall be and
7 remain a closed place as defined in this section between the hours of 1:30 a.m.
8 and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00
9 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by
10 the drink are held by clubs or hotels, this section shall apply only to the room or
11 rooms in which intoxicating liquor is dispensed; and where such licenses are held
12 by restaurants whose business is conducted in one room only and substantial
13 quantities of food and merchandise other than intoxicating liquors are dispensed,
14 then the licensee shall keep securely locked during the hours and on the days
15 specified in this section all refrigerators, cabinets, cases, boxes, and taps from
16 which intoxicating liquor is dispensed. A "closed place" is defined to mean a place
17 where all doors are locked and where no patrons are in the place or about the
18 premises. Any person violating any provision of this section shall be deemed
19 guilty of a class A misdemeanor. Nothing in this section shall be construed to
20 prohibit the sale or delivery of any intoxicating liquor during any of the hours or
21 on any of the days specified in this section by a wholesaler licensed under the
22 provisions of section 311.180 to a person licensed to sell the intoxicating liquor
23 at retail.

311.300. 1. Except as provided in subsections 2, 3 and 4 of this section,
2 no person under the age of twenty-one years shall sell or assist in the sale or
3 dispensing of intoxicating liquor [or nonintoxicating beer].

4 2. In any place of business licensed in accordance with section 311.200,
5 or section 312.040, RSMo, persons at least eighteen years of age may stock,
6 arrange displays, operate the cash register or scanner connected to a cash register
7 and accept payment for, and sack for carryout, intoxicating liquor [or
8 nonintoxicating beer]. Delivery of intoxicating liquor [or nonintoxicating beer]
9 away from the licensed business premises cannot be performed by anyone under

10 the age of twenty-one years. Any licensee who employs any person under the age
11 of twenty-one years, as authorized by this subsection, shall, when at least fifty
12 percent of the licensee's gross sales does not consist of nonalcoholic sales, have
13 an employee twenty-one years of age or older on the licensed premises during all
14 hours of operation.

15 3. In any distillery, warehouse, wholesale distributorship, or similar place
16 of business which stores or distributes intoxicating liquor [or nonintoxicating
17 beer] but which does not sell intoxicating liquor [or nonintoxicating beer] at
18 retail, persons at least eighteen years of age may be employed and their duties
19 may include the handling of intoxicating liquor [or nonintoxicating beer] for all
20 purposes except consumption, sale at retail, or dispensing for consumption or sale
21 at retail. Any wholesaler licensed pursuant to this chapter [or chapter 312,
22 RSMo,] may employ persons of at least eighteen years of age to rotate, stock and
23 arrange displays at retail establishments licensed to sell intoxicating liquor [or
24 nonintoxicating beer].

25 4. Persons eighteen years of age or older may, when acting in the capacity
26 of a waiter or waitress, accept payment for or serve intoxicating liquor [or
27 nonintoxicating beer] in places of business which sell food for consumption on the
28 premises if at least fifty percent of all sales in those places consists of food;
29 provided that nothing in this section shall authorize persons under twenty-one
30 years of age to mix or serve across the bar intoxicating beverages [or
31 nonintoxicating beer].

311.332. 1. Except as provided in subsections 2 and 3 of this section, it
2 shall be unlawful for any wholesaler licensed to sell intoxicating liquor and wine
3 containing alcohol in excess of five percent by weight to persons duly licensed to
4 sell such intoxicating liquor and wine at retail, to discriminate between retailers
5 or in favor of or against any retailer or group of retailers, directly or indirectly,
6 in price, in discounts for time of payment, or in discounts on quantity of
7 merchandise sold, or to grant directly or indirectly any discount, rebate, free
8 goods, allowance or other inducement, excepting a discount not in excess of one
9 percent for quantity of liquor and wine, and a discount not in excess of one
10 percent for payment on or before a certain date. The delivery of manufacturer
11 rebate coupons by wholesalers to retailers shall not be a violation of this
12 subsection.

13 2. Except as provided in subsection 3 of this section, any wholesaler
14 licensed to sell intoxicating liquor and wine containing alcohol in excess of five

15 percent by weight to persons duly licensed to sell such intoxicating liquor and
16 wine at retail may offer a price reduction of not more than four percent of the
17 wholesaler's price schedule for any brand, age, proof, and size bottle or
18 package. Such price reduction shall apply for a thirty-day period, shall not be
19 offered by any wholesaler more than three times in any calendar year, and shall
20 not be offered during successive months.

21 3. Any wholesaler licensed to sell intoxicating liquor and wine containing
22 alcohol in excess of five percent by weight to persons duly licensed to sell such
23 intoxicating liquor and wine at retail may offer a price reduction of more than
24 four percent of the scheduled price on close-out merchandise. "Close-out
25 merchandise" is any item which has been in the wholesaler's inventory for more
26 than six months. The price of close-out merchandise may be decreased, but shall
27 not be increased, monthly for up to and including twelve consecutive months. A
28 wholesaler shall not purchase any item of intoxicating liquor or wine of the same
29 year and vintage the wholesaler has classified as close-out merchandise during
30 the period of such classification. A wholesaler shall not purchase, sell, or offer
31 to sell any item of intoxicating liquor or wine of the same year and vintage the
32 wholesaler has classified as close-out merchandise until twenty-four months have
33 elapsed since the wholesaler's last offer to sell the item as close-out merchandise.

34 4. Manufacturers or wholesalers shall be permitted to donate or deliver
35 or cause to be delivered beer, wine, **or** brandy[, or nonintoxicating beer] for
36 nonresale purposes to any unlicensed person or any licensed retail dealer who is
37 a charitable or religious organization as defined in section 313.005, RSMo, or
38 educational institution, at any location or licensed premises, provided, such beer,
39 wine, **or** brandy[, or nonintoxicating beer] is unrelated to the organization's or
40 institution's licensed retail operation. A charge for admission to an event or
41 activity at which beer, wine, **or** brandy[, or nonintoxicating beer] is available
42 without separate charge shall not constitute resale for the purposes of this
43 subsection. Wine used in religious ceremonies may be sold by wholesalers to a
44 religious organization as defined in section 313.005, RSMo. Any manufacturer
45 or wholesaler providing nonresale items shall keep a record of any deliveries
46 made pursuant to this subsection.

47 5. Manufacturers, wholesalers, retailers and unlicensed persons may
48 donate wine in the original package to a charitable or religious organization as
49 defined in section 313.005, RSMo, or educational institution for the sole purpose
50 of being auctioned by the organization or institution for fund-raising purposes,

51 provided the auction takes place on a retail-licensed premises and all proceeds
52 from the sale go into a fund of an organization or institution that is unrelated to
53 any licensed retail operation.

311.480. 1. It shall be unlawful for any person operating any premises
2 where food, beverages or entertainment are sold or provided for compensation,
3 who does not possess a license for the sale of intoxicating liquor [or
4 nonintoxicating beer], to permit the drinking or consumption of intoxicating
5 liquor [or nonintoxicating beer] in the premises, without having a license as in
6 this section provided.

7 2. Application for such license shall be made to the supervisor of alcohol
8 and tobacco control on forms to be prescribed by him, describing the premises to
9 be licensed and giving all other reasonable information required by the form. The
10 license shall be issued upon the payment of the fee required in this section. A
11 license shall be required for each separate premises and shall expire on the
12 thirtieth day of June next succeeding the date of such license. The license fee
13 shall be sixty dollars per year and the applicant shall pay five dollars for each
14 month or part thereof remaining from the date of the license to the next
15 succeeding first of July. Applications for renewals of licenses shall be filed on or
16 before the first of May of each year.

17 3. The drinking or consumption of intoxicating liquor [or nonintoxicating
18 beer] shall not be permitted in or upon the licensed premises by any person under
19 twenty-one years of age, or by any other person between the hours of 1:30 a.m.
20 and 6:00 a.m. on any weekday, and between the hours of 1:30 a.m. Sunday and
21 6:00 a.m. Monday. Licenses issued hereunder shall be conditioned upon the
22 observance of the provisions of this section and the regulations promulgated
23 thereunder governing the conduct of premises licensed for the sale of intoxicating
24 liquor [or nonintoxicating beer] by the drink. The provision of this section
25 regulating the drinking or consumption of intoxicating liquor [or nonintoxicating
26 beer] between certain hours and on Sunday shall apply also to premises licensed
27 under this chapter to sell intoxicating liquor [or nonintoxicating beer] by the
28 drink. In any incorporated city having a population of more than twenty
29 thousand inhabitants, the board of aldermen, city council, or other proper
30 authorities of incorporated cities may, in addition to the license fee required in
31 this section, require a license fee not exceeding three hundred dollars per annum,
32 payable to the incorporated cities, and provide for the collection thereof; make
33 and enforce ordinances regulating the hours of consumption of intoxicating

34 liquors [or nonintoxicating beer] on premises licensed hereunder, not inconsistent
35 with the other provisions of this law, and provide penalties for the violation
36 thereof. No person shall be granted a license hereunder unless such person is of
37 good moral character and a qualified legal voter and a taxpaying citizen of the
38 county, town, city or village, nor shall any corporation be granted a license
39 hereunder unless the managing officer of such corporation is of good moral
40 character and a qualified legal voter and taxpaying citizen of the county, town,
41 city or village.

42 4. Any premises operated in violation of the provisions of this section, or
43 where intoxicating liquor [or nonintoxicating beer] is consumed in violation of
44 this section, is hereby declared to be a public and common nuisance, and it shall
45 be the duty of the supervisor of alcohol and tobacco control and of the prosecuting
46 or circuit attorney of the city of St. Louis, and the prosecuting attorney of the
47 county in which the premises are located, to enjoin such nuisance.

48 5. Any person operating any premises, or any employee, agent,
49 representative, partner, or associate of such person, who shall knowingly violate
50 any of the provisions of this section, or any of the laws or regulations herein made
51 applicable to the conduct of such premises, is guilty of a class A misdemeanor.

52 6. The supervisor of alcohol and tobacco control is hereby empowered to
53 promulgate regulations necessary or reasonably designed to enforce or construe
54 the provisions of this section, and is empowered to revoke or suspend any license
55 issued hereunder, as provided in this chapter, for violation of this section or any
56 of the laws or regulations herein made applicable to the conduct of premises
57 licensed hereunder.

58 7. Nothing in this section shall be construed to prohibit the sale or
59 delivery of any intoxicating liquor [or nonintoxicating beer] during any of the
60 hours or on any of the days specified in this section by a wholesaler licensed
61 under the provisions of section 311.180 to a person licensed to sell the
62 intoxicating liquor [or nonintoxicating beer] at retail.

63 8. No intoxicating liquor [or nonintoxicating beer] may be served or sold
64 on any premises used as a polling place on election day.

311.482. 1. Notwithstanding any other provision of this chapter [or
2 chapter 312, RSMo], a permit for the sale of intoxicating liquor as defined in
3 section 311.020, [and nonintoxicating beer as defined in section 312.010, RSMo,]
4 for consumption on premises where sold may be issued to any church, school,
5 civic, service, fraternal, veteran, political or charitable club or organization for the

6 sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The
7 permit shall be issued only for the day or days named therein and it shall not
8 authorize the sale of intoxicating liquor for more than seven days by any such
9 club or organization.

10 2. To secure the permit, the applicant shall complete a form provided by
11 the supervisor, but no applicant shall be required to furnish a personal
12 photograph as part of the application. The applicant shall pay a fee of
13 twenty-five dollars for such permit.

14 3. If the event will be held on a Sunday, the permit shall authorize the
15 sale of intoxicating liquor [and nonintoxicating beer] on that day beginning at
16 11:00 a.m.

17 4. At the same time that an applicant applies for a permit under the
18 provisions of this section, the applicant shall notify the director of revenue of the
19 holding of the event and by such notification, by certified mail, shall accept
20 responsibility for the collection and payment of any applicable sales tax. Any
21 sales tax due shall be paid to the director of revenue within fifteen days after the
22 close of the event, and failure to do so shall result in a liability of triple the
23 amount of the tax due plus payment of the tax, and denial of any other permit for
24 a period of three years. Under no circumstances shall a bond be required from
25 the applicant.

26 5. No provision of law or rule or regulation of the supervisor shall be
27 interpreted as preventing any wholesaler or distributor from providing customary
28 storage, cooling or dispensing equipment for use by the permit holder at such
29 picnic, bazaar, fair or similar gathering.

311.485. 1. The supervisor of liquor control may issue a temporary permit
2 to caterers and other persons holding licenses to sell intoxicating liquor by the
3 drink at retail for consumption on the premises pursuant to the provisions of this
4 chapter who furnish provisions and service for use at a particular function,
5 occasion or event at a particular location other than the licensed premises, but
6 not including a "festival" as defined in chapter 316, RSMo. The temporary permit
7 shall be effective for a period not to exceed one hundred sixty-eight consecutive
8 hours, and shall authorize the service of alcoholic beverages at such function,
9 occasion or event during the hours at which alcoholic beverages may lawfully be
10 sold or served upon premises licensed to sell alcoholic beverages for on-premises
11 consumption. For every permit issued pursuant to the provisions of this section,
12 the permittee shall pay to the director of revenue the sum of ten dollars for each

13 calendar day, or fraction thereof, for which the permit is issued.

14 2. Except as provided in subsection 3 of this section, all provisions of the
15 liquor control law and the ordinances, rules and regulations of the incorporated
16 city, or the unincorporated area of any county, in which is located the premises
17 in which such function, occasion or event is held shall extend to such premises
18 and shall be in force and enforceable during all the time that the permittee, its
19 agents, servants, employees, or stock are in such premises. Except for
20 Missouri-produced wines in the original package, the provisions of this section
21 shall not include the sale of packaged goods covered by this temporary permit.

22 3. Notwithstanding any other law to the contrary, any caterer who
23 possesses a valid state and valid local liquor license may deliver alcoholic
24 beverages in the course of his or her catering business. A caterer who possesses
25 a valid state and valid local liquor license need not obtain a separate license for
26 each city the caterer delivers in, so long as such city permits any caterer to
27 deliver alcoholic beverages within the city.

28 4. To assure and control product quality, wholesalers may, but shall not
29 be required to, give a retailer credit for intoxicating liquor with an alcohol content
30 of less than five percent by weight [or nonintoxicating beer] delivered and
31 invoiced under the catering permit number, but not used, if the wholesaler
32 removes the product within seventy-two hours of the expiration of the catering
33 permit issued pursuant to this section.

311.486. 1. The supervisor of alcohol and tobacco control may issue a
2 special license to caterers and other persons holding licenses to sell intoxicating
3 liquor by the drink at retail for consumption on the premises pursuant to the
4 provisions of this chapter who furnish provisions and service for use at a
5 particular function, occasion, or event at a particular location other than the
6 licensed premises, but not including a "festival" as defined in chapter 316,
7 RSMo. The special license shall be effective for a maximum of fifty days during
8 any year, and shall authorize the service of alcoholic beverages at such function,
9 occasion, or event during the hours at which alcoholic beverages may lawfully be
10 sold or served upon premises licensed to sell alcoholic beverages for on-premises
11 consumption. For every special license issued pursuant to the provisions of this
12 subsection, the licensee shall pay to the director of revenue the sum of five
13 hundred dollars a year payable at the same time and in the same manner as its
14 other license fees.

15 2. The supervisor of alcohol and tobacco control may issue a special

16 license to caterers and other persons holding licenses to sell intoxicating liquor
17 by the drink at retail for consumption on the premises pursuant to the provisions
18 of this chapter who furnish provisions and service for use at a particular function,
19 occasion, or event at a particular location other than the licensed premises, but
20 not including a "festival" as defined in chapter 316, RSMo. The special license
21 shall be effective for an unlimited number of functions during the year, and shall
22 authorize the service of alcoholic beverages at such function, occasion, or event
23 during the hours at which alcoholic beverages may lawfully be sold or served
24 upon premises licensed to sell alcoholic beverages for on-premises
25 consumption. For every special license issued pursuant to the provisions of this
26 subsection, the licensee shall pay to the director of revenue the sum of one
27 thousand dollars a year payable at the same time and in the same manner as its
28 other license fees.

29 3. Caterers issued a special license pursuant to subsections 1 and 2 of this
30 section shall report to the supervisor of alcohol and tobacco control the location
31 of each function three business days in advance. The report of each function shall
32 include permission from the property owner and city, description of the premises,
33 and the date or dates the function will be held.

34 4. Except as provided in subsection 5 of this section, all provisions of the
35 liquor control law and the ordinances, rules and regulations of the incorporated
36 city, or the unincorporated area of any county, in which is located the premises
37 in which such function, occasion, or event is held shall extend to such premises
38 and shall be in force and enforceable during all the time that the licensee, its
39 agents, servants, employees, or stock are in such premises. Except for wines in
40 the original package, the provisions of this section shall not include the sale of
41 packaged goods covered by this special license.

42 5. Notwithstanding any other law to the contrary, any caterer who
43 possesses a valid state and valid local liquor license may deliver alcoholic
44 beverages, in the course of his or her catering business. A caterer who possesses
45 a valid state and valid local liquor license need not obtain a separate license for
46 each city the caterer delivers in, so long as such city permits any caterer to
47 deliver alcoholic beverages within the city.

48 6. To assure and control product quality, wholesalers may, but shall not
49 be required to, give a retailer credit for intoxicating liquor with an alcohol content
50 of less than five percent by weight [or nonintoxicating beer] delivered and
51 invoiced under the catering license number, but not used, if the wholesaler

52 removes the product within seventy-two hours of the expiration of the catering
53 function.

311.487. 1. The supervisor of liquor control may issue to any person
2 holding a concessionaire's contract, issued by the Missouri state fair, an annual
3 license effective for the fourteen-day period when the fair is held and for any
4 additional periods of time approved by the director of the fair which shall
5 authorize the sale of malt liquor [containing alcohol in excess of three and
6 two-tenths percent by weight] and Missouri-produced wines, for consumption on
7 the premises where sold, on the Missouri state fairgrounds and, in the case of
8 Missouri-produced wines, in the original package, on each day of the week within
9 any period which has been approved by the director of the fair and during the
10 hours at which such malt liquor or wine may lawfully be sold or served upon
11 premises licensed to sell malt liquor or wine for on-premises consumption in the
12 incorporated city in which the Missouri state fair is located. For every permit
13 issued pursuant to the provisions of this section, the permittee shall pay to the
14 director of revenue the sum of one hundred dollars for such license, except that
15 for licenses issued to the concessionaire of the premises on the fairgrounds known
16 as the "grandstand" and to the concessionaire of the premises on the fairgrounds
17 known as the "exhibition center", there shall be paid to the director of revenue
18 the sum of three hundred dollars for such licenses.

19 2. All provisions of the liquor control law and the ordinances, rules and
20 regulations of the incorporated city in which is located the Missouri state fair
21 shall extend to such premises and shall be in force and enforceable during all the
22 time that the permittee, its agents, servants, employees or stock are on such
23 premises.

311.520. As a charge for the inspection and gauging of all malt liquors,
2 [containing alcohol in excess of three and two-tenths percent by weight,] the
3 director of revenue shall collect the sum of one dollar and eighty-six cents per
4 barrel.

311.610. 1. For the purpose of carrying out the provisions of this
2 chapter[,] **and** the liquor control law[, and the provisions of chapter 312, RSMo],
3 the governor, by and with the advice and consent of the senate, shall appoint
4 some suitable person of good moral character over the age of thirty years, who
5 has been a qualified elector in the state of Missouri for at least five years next
6 before the date of his appointment, as supervisor of liquor control. The
7 supervisor of liquor control shall serve at the pleasure and under the supervision

8 and direction of the governor.

9 2. The supervisor of liquor control shall devote his entire time to the
10 duties of his office and, with the approval of the governor, appoint and employ all
11 agents, assistants, deputies, inspectors and employees necessary for the proper
12 enforcement and administration of the provisions of the liquor control law [and
13 the provisions of chapter 312, RSMo,] whose salaries shall be fixed by the
14 governor, but no salary shall be greater than that paid to employees in other
15 state departments for similar work, except that no salary of an agent directly
16 engaged in the enforcement of the liquor control law shall be less than eight
17 thousand dollars a year. In addition to his salary, the supervisor of liquor control
18 and each of the agents, assistants, deputies, inspectors and employees shall be
19 reimbursed for all expenses necessarily incurred in the discharge of their duties.
20 No expenses shall be allowed for sustenance to any supervisor, agent, assistant,
21 deputy, inspector or employee while in the city or town of his residence.

22 3. Before entering upon the discharge of his duties, the supervisor of
23 liquor control shall take and subscribe to an oath to support the Constitution of
24 the United States and of this state, and faithfully demean himself in office, and
25 shall also execute bond to the state of Missouri in the penal sum of ten thousand
26 dollars, conditioned for the faithful performance of the duties of his office, which
27 bond shall be approved by the governor and deposited with the secretary of state
28 and kept in his office; the premiums of the bond shall be paid by the state out of
29 funds appropriated for that purpose.

30 4. The supervisor of liquor control shall issue licenses for the manufacture
31 and sale of ardent spirits, malt, vinous, fermented and every class of liquors used
32 as beverages [and having an alcoholic content in excess of three and two-tenths
33 percent by weight as in this chapter provided]. The supervisor of liquor control
34 shall keep a record of all intoxicating liquor manufactured, brewed or sold in this
35 state by every brewery, distiller, manufacturer, distributor or wholesaler, and
36 make a complete report of the same to the governor at the end of each calendar
37 year, or as soon thereafter as possible.

311.630. 1. The supervisor of alcohol and tobacco control and employees
2 to be selected and designated as peace officers by the supervisor of alcohol and
3 tobacco control are hereby declared to be peace officers of the state of Missouri,
4 with full power and authority to make arrests and searches and seizures only for
5 violations of the provisions of [chapters 311 and 312, RSMo,] **this chapter**
6 relating to intoxicating liquors [and nonintoxicating beer], and sections 407.924

7 to 407.934, RSMo, relating to tobacco products, and to serve any process
8 connected with the enforcement of such laws. The peace officers so designated
9 shall have been previously appointed and qualified under the provisions of section
10 311.620 and shall be required to hold a valid peace officer license pursuant to
11 chapter 590, RSMo.

12 2. The supervisor of alcohol and tobacco control shall furnish such peace
13 officers with credentials showing their authority and a special badge, which they
14 shall carry on their person at all times while on duty. The names of the peace
15 officers so designated shall be made a matter of public record in the office of the
16 supervisor of alcohol and tobacco control.

17 3. All fees for the arrest and transportation of persons arrested and for
18 the service of writs and process shall be the same as provided by law in criminal
19 proceedings and shall be taxed as costs.

311.680. 1. Whenever it shall be shown, or whenever the supervisor of
2 liquor control has knowledge, that a person licensed hereunder has not at all
3 times kept an orderly place or house, or has violated any of the provisions of this
4 chapter, the supervisor of liquor control may, warn, place on probation on such
5 terms and conditions as the supervisor of liquor control deems appropriate for a
6 period not to exceed twelve months, suspend or revoke the license of that person,
7 but the person shall have ten days' notice of the application to warn, place on
8 probation, suspend or revoke the person's license prior to the order of warning,
9 probation, revocation or suspension issuing.

10 2. Any wholesaler licensed pursuant to this chapter [or chapter 312,
11 RSMo,] in lieu of, or in addition to, the warning, probation, suspension or
12 revocation authorized in subsection 1 of this section, may be assessed a civil
13 penalty by the supervisor of liquor control of not less than one hundred dollars
14 or more than twenty-five hundred dollars for each violation.

15 3. Any solicitor licensed pursuant to this chapter [or chapter 312, RSMo,]
16 in lieu of the suspension or revocation authorized in subsection 1 of this section,
17 may be assessed a civil penalty or fine by the supervisor of liquor control of not
18 less than one hundred dollars nor more than five thousand dollars for each
19 violation.

20 4. Any retailer with less than five thousand occupant capacity licensed
21 pursuant to this chapter [or chapter 312, RSMo,] in lieu of the suspension or
22 revocation authorized by subsection 1 of this section may be assessed a civil
23 penalty or fine by the supervisor of liquor control of not less than fifty dollars nor

24 more than one thousand dollars for each violation.

25 5. Any retailer with five thousand or more occupant capacity licensed
26 pursuant to this chapter [or chapter 312, RSMo,] in lieu of the suspension or
27 revocation authorized by subsection 1 of this section, may be assessed a civil
28 penalty or fine by the supervisor of liquor control of not less than fifty dollars nor
29 more than five thousand dollars for each violation.

30 6. Any aggrieved person may appeal to the administrative hearing
31 commission in accordance with section 311.691.

32 7. In order to encourage the early resolution of disputes between the
33 supervisor of liquor control and licensees, the supervisor of liquor control, prior
34 to issuing an order of warning, probation, revocation, suspension, or fine, shall
35 provide the licensee with the opportunity to meet or to confer with the supervisor
36 of liquor control, or his or her designee, concerning the alleged violations. At
37 least ten days prior to such meeting or conference, the supervisor shall provide
38 the licensee with notice of the time and place of such meeting or conference, and
39 the supervisor of liquor control shall also provide the licensee with a written
40 description of the specific conduct for which discipline is sought, a citation of the
41 law or rules allegedly violated, and, upon request, copies of any violation report
42 or any other documents which are the basis for such action. Any order of
43 warning, probation, revocation, suspension, or fine shall be effective no sooner
44 than thirty days from the date of such order.

 311.685. 1. Any retail licensee selling intoxicating liquor [or
2 nonintoxicating beer] under this chapter [or chapter 312, RSMo,] and aggrieved
3 by official action of the supervisor affecting the licensee, may bring a civil action
4 against any person who is the proximate cause of such official action by the
5 supervisor, if the violation occurred on or about the premises of the retail
6 licensee. If a judgment is entered in favor of the licensee, the court shall award
7 the retail licensee civil damages up to an amount of five thousand dollars and
8 shall award reasonable court costs and attorney fees.

9 2. No civil action shall be brought under this section against any employee
10 of the supervisor of alcohol and tobacco control or any law enforcement officer.

 311.722. 1. The supervisor of alcohol and tobacco control shall not use
2 minors to enforce the laws of this chapter [or chapter 312, RSMo,] unless the
3 supervisor promulgates rules and regulations that establish standards for the use
4 of minors. The standards shall include those in subsection 2 of this section.

5 2. The supervisor shall establish, by July 1, 2006, permissive standards

6 for the use of minors in investigations by any state, county, municipal or other
7 local law enforcement authority, and which shall, at a minimum, provide for the
8 following:

9 (1) The minor shall be eighteen or nineteen years of age;

10 (2) The minor shall have a youthful appearance and the minor, if a male,
11 shall not have facial hair or a receding hairline;

12 (3) The minor shall carry his or her own identification showing the
13 minor's correct date of birth and shall, upon request, produce such identification
14 to the seller of the intoxicating liquor [or nonintoxicating beer] at the licensed
15 establishment;

16 (4) The minor shall answer truthfully any questions about his or her age
17 and shall not remain silent when asked questions regarding his or her age, nor
18 misrepresent anything in order to induce a sale of intoxicating liquor [or
19 nonintoxicating beer].

20 3. The supervisor of alcohol and tobacco control shall not participate with
21 any state, county, municipal, or other local law enforcement agency, nor discipline
22 any licensed establishment when any state, county, municipal, or other law
23 enforcement agency chooses not to follow the supervisor's permissive standards.

24 4. Any minors used in investigations under this section shall be exempt
25 from any violations under this chapter [and chapter 312, RSMo.] during the time
26 they are under direct control of the state, county, municipal, or other law
27 enforcement authorities.

313.075. The conduct or playing games of bingo under the provisions of
2 sections 313.005 to 313.080 does not constitute gambling or gambling activities
3 and the power of the division of liquor control to prohibit the licensing of any
4 premises on which gambling or gambling activities are conducted or played, or to
5 prohibit the sale or consumption of beer or alcoholic beverage on any premises on
6 which gambling or gambling activities are conducted or played, shall not apply
7 where the only activity is the conduct or playing of games of bingo under the
8 provisions of sections 313.005 to 313.080. Any licensee under sections 313.005
9 to 313.080 may, if such licensee meets all other requirements of the liquor
10 licensing laws of this state, be licensed by the division of liquor control as
11 provided in [chapters 311 and 312] **chapter 311**, RSMo, and the conduct or
12 playing of games of bingo under the provisions of sections 313.005 to 313.080
13 shall not, by itself, be a reason for refusal to license or for suspension or
14 revocation of a license under the provisions of chapter 311 [or 312], RSMo.

313.340. 1. Notwithstanding any other provision of law to the contrary,
2 participation by a person, firm, corporation or organization in any aspect of the
3 state lottery in accordance with sections 313.200 to 313.350 shall not be construed
4 to be a lottery or gift enterprise in violation of article III, section 39 of the
5 Constitution of Missouri.

6 2. The sale of lottery tickets or shares in accordance with sections 313.200
7 to 313.350 shall not constitute a valid reason to refuse to issue or renew or to
8 revoke or suspend any license or permit issued under the provisions of chapter
9 311 [or 312], RSMo.

313.665. 1. Notwithstanding any other provision of law to the contrary,
2 pari-mutuel wagering on horses at licensed tracks shall not be considered to be
3 "gambling" as that term is used in any law or regulation.

4 2. Pari-mutuel wagering conducted in accordance with the provisions of
5 sections 313.500 to 313.710 shall not constitute a valid reason to refuse to issue
6 or renew or to revoke or suspend any license or permit issued under the
7 provisions of chapter 311, RSMo[, or chapter 312, RSMo].

8 3. The giving of door prizes or other gifts by lot or chance after payment
9 of a price by members or guests of a charitable organization which has obtained
10 an exemption from payment of federal income taxes as provided in section
11 501(c)(3) of the Internal Revenue Code of 1954, as amended, shall not constitute
12 a valid reason to refuse to issue or renew or to revoke or suspend any license or
13 permit issued under the provisions of chapter 311, RSMo[, or chapter 312, RSMo].

313.840. 1. The conduct of or playing of any games on any licensed
2 excursion gambling boat does not constitute gambling or gambling activities and
3 the power of the division of liquor control to prohibit the licensing of any premises
4 on which gambling or gambling activities are conducted or played, or to prohibit
5 the consumption or sale of beer or alcoholic beverage on any premises, shall not
6 apply where the premises is duly licensed by the commission. Notwithstanding
7 the provisions of chapter 311 [or 312], RSMo, the commission shall be the sole
8 liquor licensing authority for liquor service aboard any excursion gambling boat
9 and any facility neighboring an excursion gambling boat which is owned and
10 operated by an excursion gambling boat licensee. The division of liquor control
11 may issue a microbrewer's license pursuant to section 311.195, RSMo, for
12 manufacturing on the premises of such boat or neighboring facility. The
13 commission shall establish rules and regulations for the service of liquor on any
14 premises licensed for the service of liquor by the commission, except that no rule

15 or regulation adopted by the commission shall allow any person under the age of
16 twenty-one to consume alcoholic beverages on any premises licensed for the
17 service of liquor by the commission. All criminal provisions of chapter 311 [or
18 312], RSMo, shall be applicable to liquor service aboard any premises licensed for
19 the service of liquor by the commission.

20 2. Judicial review of all commission decisions relating to excursion
21 gambling boat operations shall be directly to the state court of appeals for the
22 western district of Missouri and shall not be subject to the provisions of chapter
23 621, RSMo.

571.107. 1. A concealed carry endorsement issued pursuant to sections
2 571.101 to 571.121 or a concealed carry endorsement or permit issued by another
3 state or political subdivision of another state shall authorize the person in whose
4 name the permit or endorsement is issued to carry concealed firearms on or about
5 his or her person or vehicle throughout the state. No driver's license or
6 nondriver's license containing a concealed carry endorsement issued pursuant to
7 sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by
8 another state or political subdivision of another state shall authorize any person
9 to carry concealed firearms into:

10 (1) Any police, sheriff, or highway patrol office or station without the
11 consent of the chief law enforcement officer in charge of that office or
12 station. Possession of a firearm in a vehicle on the premises of the office or
13 station shall not be a criminal offense so long as the firearm is not removed from
14 the vehicle or brandished while the vehicle is on the premises;

15 (2) Within twenty-five feet of any polling place on any election
16 day. Possession of a firearm in a vehicle on the premises of the polling place
17 shall not be a criminal offense so long as the firearm is not removed from the
18 vehicle or brandished while the vehicle is on the premises;

19 (3) The facility of any adult or juvenile detention or correctional
20 institution, prison or jail. Possession of a firearm in a vehicle on the premises of
21 any adult, juvenile detention, or correctional institution, prison or jail shall not
22 be a criminal offense so long as the firearm is not removed from the vehicle or
23 brandished while the vehicle is on the premises;

24 (4) Any courthouse solely occupied by the circuit, appellate or supreme
25 court, or any courtrooms, administrative offices, libraries or other rooms of any
26 such court whether or not such court solely occupies the building in
27 question. This subdivision shall also include, but not be limited to, any juvenile,

28 family, drug, or other court offices, any room or office wherein any of the courts
29 or offices listed in this subdivision are temporarily conducting any business
30 within the jurisdiction of such courts or offices, and such other locations in such
31 manner as may be specified by supreme court rule pursuant to subdivision (6) of
32 this subsection. Nothing in this subdivision shall preclude those persons listed
33 in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction
34 and on duty, those persons listed in subdivisions (2) and (4) of subsection 2 of
35 section 571.030, or such other persons who serve in a law enforcement capacity
36 for a court as may be specified by supreme court rule pursuant to subdivision (6)
37 of this subsection from carrying a concealed firearm within any of the areas
38 described in this subdivision. Possession of a firearm in a vehicle on the premises
39 of any of the areas listed in this subdivision shall not be a criminal offense so
40 long as the firearm is not removed from the vehicle or brandished while the
41 vehicle is on the premises;

42 (5) Any meeting of the governing body of a unit of local government; or
43 any meeting of the general assembly or a committee of the general assembly,
44 except that nothing in this subdivision shall preclude a member of the body
45 holding a valid concealed carry endorsement from carrying a concealed firearm
46 at a meeting of the body which he or she is a member. Possession of a firearm
47 in a vehicle on the premises shall not be a criminal offense so long as the firearm
48 is not removed from the vehicle or brandished while the vehicle is on the
49 premises;

50 (6) The general assembly, supreme court, county or municipality may by
51 rule, administrative regulation, or ordinance prohibit or limit the carrying of
52 concealed firearms by endorsement holders in that portion of a building owned,
53 leased or controlled by that unit of government. Any portion of a building in
54 which the carrying of concealed firearms is prohibited or limited shall be clearly
55 identified by signs posted at the entrance to the restricted area. The statute, rule
56 or ordinance shall exempt any building used for public housing by private
57 persons, highways or rest areas, firing ranges, and private dwellings owned,
58 leased, or controlled by that unit of government from any restriction on the
59 carrying or possession of a firearm. The statute, rule or ordinance shall not
60 specify any criminal penalty for its violation but may specify that persons
61 violating the statute, rule or ordinance may be denied entrance to the building,
62 ordered to leave the building and if employees of the unit of government, be
63 subjected to disciplinary measures for violation of the provisions of the statute,

64 rule or ordinance. The provisions of this subdivision shall not apply to any other
65 unit of government;

66 (7) Any establishment licensed to dispense intoxicating liquor [or
67 nonintoxicating beer] for consumption on the premises, which portion is primarily
68 devoted to that purpose, without the consent of the owner or manager. The
69 provisions of this subdivision shall not apply to the licensee of said
70 establishment. The provisions of this subdivision shall not apply to any bona fide
71 restaurant open to the general public having dining facilities for not less than
72 fifty persons and that receives at least fifty-one percent of its gross annual income
73 from the dining facilities by the sale of food. This subdivision does not prohibit
74 the possession of a firearm in a vehicle on the premises of the establishment and
75 shall not be a criminal offense so long as the firearm is not removed from the
76 vehicle or brandished while the vehicle is on the premises. Nothing in this
77 subdivision authorizes any individual who has been issued a concealed carry
78 endorsement to possess any firearm while intoxicated;

79 (8) Any area of an airport to which access is controlled by the inspection
80 of persons and property. Possession of a firearm in a vehicle on the premises of
81 the airport shall not be a criminal offense so long as the firearm is not removed
82 from the vehicle or brandished while the vehicle is on the premises;

83 (9) Any place where the carrying of a firearm is prohibited by federal law;

84 (10) Any higher education institution or elementary or secondary school
85 facility without the consent of the governing body of the higher education
86 institution or a school official or the district school board. Possession of a firearm
87 in a vehicle on the premises of any higher education institution or elementary or
88 secondary school facility shall not be a criminal offense so long as the firearm is
89 not removed from the vehicle or brandished while the vehicle is on the premises;

90 (11) Any portion of a building used as a child-care facility without the
91 consent of the manager. Nothing in this subdivision shall prevent the operator
92 of a child-care facility in a family home from owning or possessing a firearm or
93 a driver's license or nondriver's license containing a concealed carry endorsement;

94 (12) Any riverboat gambling operation accessible by the public without the
95 consent of the owner or manager pursuant to rules promulgated by the gaming
96 commission. Possession of a firearm in a vehicle on the premises of a riverboat
97 gambling operation shall not be a criminal offense so long as the firearm is not
98 removed from the vehicle or brandished while the vehicle is on the premises;

99 (13) Any gated area of an amusement park. Possession of a firearm in a

100 vehicle on the premises of the amusement park shall not be a criminal offense so
101 long as the firearm is not removed from the vehicle or brandished while the
102 vehicle is on the premises;

103 (14) Any church or other place of religious worship without the consent
104 of the minister or person or persons representing the religious organization that
105 exercises control over the place of religious worship. Possession of a firearm in
106 a vehicle on the premises shall not be a criminal offense so long as the firearm
107 is not removed from the vehicle or brandished while the vehicle is on the
108 premises;

109 (15) Any private property whose owner has posted the premises as being
110 off-limits to concealed firearms by means of one or more signs displayed in a
111 conspicuous place of a minimum size of eleven inches by fourteen inches with the
112 writing thereon in letters of not less than one inch. The owner, business or
113 commercial lessee, manager of a private business enterprise, or any other
114 organization, entity, or person may prohibit persons holding a concealed carry
115 endorsement from carrying concealed firearms on the premises and may prohibit
116 employees, not authorized by the employer, holding a concealed carry
117 endorsement from carrying concealed firearms on the property of the employer.
118 If the building or the premises are open to the public, the employer of the
119 business enterprise shall post signs on or about the premises if carrying a
120 concealed firearm is prohibited. Possession of a firearm in a vehicle on the
121 premises shall not be a criminal offense so long as the firearm is not removed
122 from the vehicle or brandished while the vehicle is on the premises. An employer
123 may prohibit employees or other persons holding a concealed carry endorsement
124 from carrying a concealed firearm in vehicles owned by the employer;

125 (16) Any sports arena or stadium with a seating capacity of five thousand
126 or more. Possession of a firearm in a vehicle on the premises shall not be a
127 criminal offense so long as the firearm is not removed from the vehicle or
128 brandished while the vehicle is on the premises;

129 (17) Any hospital accessible by the public. Possession of a firearm in a
130 vehicle on the premises of a hospital shall not be a criminal offense so long as the
131 firearm is not removed from the vehicle or brandished while the vehicle is on the
132 premises.

133 2. Carrying of a concealed firearm in a location specified in subdivisions
134 (1) to (17) of subsection 1 of this section by any individual who holds a concealed
135 carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a

136 criminal act but may subject the person to denial to the premises or removal from
137 the premises. If such person refuses to leave the premises and a peace officer is
138 summoned, such person may be issued a citation for an amount not to exceed one
139 hundred dollars for the first offense. If a second citation for a similar violation
140 occurs within a six-month period, such person shall be fined an amount not to
141 exceed two hundred dollars and his or her endorsement to carry concealed
142 firearms shall be suspended for a period of one year. If a third citation for a
143 similar violation is issued within one year of the first citation, such person shall
144 be fined an amount not to exceed five hundred dollars and shall have his or her
145 concealed carry endorsement revoked and such person shall not be eligible for a
146 concealed carry endorsement for a period of three years. Upon conviction of
147 charges arising from a citation issued pursuant to this subsection, the court shall
148 notify the sheriff of the county which issued the certificate of qualification for a
149 concealed carry endorsement and the department of revenue. The sheriff shall
150 suspend or revoke the certificate of qualification for a concealed carry
151 endorsement and the department of revenue shall issue a notice of such
152 suspension or revocation of the concealed carry endorsement and take action to
153 remove the concealed carry endorsement from the individual's driving
154 record. The director of revenue shall notify the licensee that he or she must
155 apply for a new license pursuant to chapter 302, RSMo, which does not contain
156 such endorsement. A concealed carry endorsement suspension pursuant to
157 sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his
158 or her driver's license. The notice issued by the department of revenue shall be
159 mailed to the last known address shown on the individual's driving record. The
160 notice is deemed received three days after mailing.

650.005. 1. There is hereby created a "Department of Public Safety" in
2 charge of a director appointed by the governor with the advice and consent of the
3 senate. The department's role will be to provide overall coordination in the
4 state's public safety and law enforcement program, to provide channels of
5 coordination with local and federal agencies in regard to public safety, law
6 enforcement and with all correctional and judicial agencies in regard to matters
7 pertaining to its responsibilities as they may interrelate with the other agencies
8 or offices of state, local or federal governments.

9 2. All the powers, duties and functions of the state highway patrol,
10 chapter 43, RSMo, and others, are transferred by type II transfer to the
11 department of public safety. The governor by and with the advice and consent of

12 the senate shall appoint the superintendent of the patrol. With the exception of
13 sections 43.100 to 43.120, RSMo, relating to financial procedures, the director of
14 public safety shall succeed the state highways and transportation commission in
15 approving actions of the superintendent and related matters as provided in
16 chapter 43, RSMo. Uniformed members of the patrol shall be selected in the
17 manner provided by law and shall receive the compensation provided by
18 law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to
19 affect the funding of appropriations or the operation of chapter 104, RSMo,
20 relating to retirement system coverage or section 226.160, RSMo, relating to
21 workers' compensation for members of the patrol.

22 3. All the powers, duties and functions of the supervisor of liquor control, [
23 chapters 311 and 312] **chapter 311**, RSMo, and others, are transferred by type
24 II transfer to the department of public safety. The supervisor shall be nominated
25 by the department director and appointed by the governor with the advice and
26 consent of the senate. The supervisor shall appoint such agents, assistants,
27 deputies and inspectors as limited by appropriations. All employees shall have
28 the qualifications provided by law and may be removed by the supervisor or
29 director of the department as provided in section 311.670, RSMo.

30 4. The director of public safety, superintendent of the highway patrol and
31 transportation division of the department of economic development are to
32 examine the motor carrier inspection laws and practices in Missouri to determine
33 how best to enforce the laws with a minimum of duplication, harassment of
34 carriers and to improve the effectiveness of supervision of weight and safety
35 requirements and to report to the governor and general assembly by January 1,
36 1975, on their findings and on any actions taken.

37 5. The Missouri division of highway safety is transferred by type I
38 transfer to the department of public safety. The division shall be in charge of a
39 director who shall be appointed by the director of the department.

40 6. All the powers, duties and functions of the safety and fire prevention
41 bureau of the department of public health and welfare are transferred by type I
42 transfer to the director of public safety.

43 7. All the powers, duties and functions of the state fire marshal, chapter
44 320, RSMo, and others, are transferred to the department of public safety by a
45 type I transfer.

46 8. All the powers, duties and functions of the law enforcement assistance
47 council administering federal grants, planning and the like relating to Public

48 Laws 90-351, 90-445 and related acts of Congress are transferred by type I
49 transfer to the director of public safety. The director of public safety shall
50 appoint such advisory bodies as are required by federal laws or regulations. The
51 council is abolished.

52 9. The director of public safety shall promulgate motor vehicle regulations
53 and be ex officio a member of the safety compact commission in place of the
54 director of revenue and all powers, duties and functions relating to chapter 307,
55 RSMo, are transferred by type I transfer to the director of public safety.

56 10. The office of adjutant general and the state militia are assigned to the
57 department of public safety; provided, however, nothing herein shall be construed
58 to interfere with the powers and duties of the governor as provided in article IV,
59 section 6 of the Constitution of the state of Missouri or chapter 41, RSMo.

60 11. All the powers, duties and functions of the Missouri boat commission,
61 chapter 306, RSMo, and others, are transferred by type I transfer to the "Missouri
62 State Water Patrol", which is hereby created, in the department of public
63 safety. The Missouri boat commission and the office of secretary to the
64 commission are abolished. The Missouri state water patrol shall be headed by a
65 boat commissioner who shall be appointed by the governor, with the advice and
66 consent of the senate. All deputy boat commissioners and all other employees of
67 the commission who were employed on February 1, 1974, shall be transferred to
68 the water patrol without further qualification.

69 12. The division of veterans affairs, chapter 42, RSMo, is assigned to the
70 office of adjutant general. The adjutant general, with the advice of the veterans'
71 board, shall appoint the director of the division of veterans affairs who shall serve
72 at the pleasure of the adjutant general.

73 13. [Any rule or portion of a rule, as that term is defined in section
74 536.010, RSMo, that is promulgated under the authority of this chapter, shall
75 become effective only if the agency has fully complied with all of the requirements
76 of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if
77 applicable, after August 28, 1999. If the provisions of section 536.028, RSMo,
78 apply, the provisions of this section are nonseverable and if any of the powers
79 vested with the general assembly pursuant to section 536.028, RSMo, to review,
80 to delay the effective date, or to disapprove and annul a rule or portion of a rule
81 are held unconstitutional or invalid, the purported grant of rulemaking authority
82 and any rule so proposed and contained in the order of rulemaking shall be
83 invalid and void, except that nothing in this section shall affect the validity of

84 any rule adopted and promulgated prior to August 28, 1999] **Any rule or**
85 **portion of a rule, as that term is defined in section 536.010, RSMo, that**
86 **is created under the authority delegated in this section shall become**
87 **effective only if it complies with and is subject to all of the provisions**
88 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
89 **section and chapter 536, RSMo, are nonseverable and if any of the**
90 **powers vested with the general assembly pursuant to chapter 536,**
91 **RSMo, to review, to delay the effective date, or to disapprove and annul**
92 **a rule are subsequently held unconstitutional, then the grant of**
93 **rulemaking authority and any rule proposed or adopted after August**
94 **28, 2009, shall be invalid and void.**

[312.010. 1. "Commissioner or supervisor" as used in this
2 chapter shall be deemed to refer to the supervisor of liquor control
3 of the state of Missouri, and (or) where not otherwise indicated by
4 the context, his deputy, and (or) any of his duly appointed
5 inspectors.

6 2. The phrase "nonintoxicating beer" as used in this chapter
7 shall be construed to refer to and to mean any beer manufactured
8 from pure hops or pure extract of hops, and pure barley malt or
9 other wholesome grains or cereals, and wholesome yeast, and pure
10 water, and free from all harmful substances, preservatives and
11 adulterants, and having an alcoholic content of more than one-half
12 of one percent by volume and not exceeding three and two-tenths
13 percent by weight.

14 3. The phrase "original package" as used in this chapter
15 shall be construed and held to refer to any package containing
16 three, six, twelve, or twenty-four small standard beer bottles, and
17 any package containing three, six or twelve large standard beer
18 bottles, when such bottles contain nonintoxicating beer as defined
19 by this chapter.

20 4. The word "person" as used in this chapter shall, as the
21 case may require, be deemed to refer to, include, and apply to, any
22 person, firm, company, association, or corporation, to whom or to
23 which any provision of this chapter applies or may apply.

24 5. The phrase "transportation company" as used in this
25 chapter shall be deemed to refer to and include any individual or

26 individuals, or incorporated or unincorporated company, engaged
27 in the business of transportation, for hire, of goods and
28 merchandise, by use or means of any vessel, railroad car, motor
29 vehicle, airplane, or other means of conveyance, whatsoever, to
30 whom or to which any provision in this chapter applies or may
31 apply.]

[312.020. 1. Beer having an alcoholic content of not less
2 than one-half of one percent by volume nor exceeding three and
3 two-tenths percent by weight, is hereby declared to be
4 "nonintoxicating beer", and may be lawfully manufactured and sold,
5 or sold, in this state by any holder of a permit issued by the
6 supervisor of liquor control of this state, authorizing such
7 manufacture and sale, or sale, and may be lawfully transported,
8 sold and consumed, in this state, and may be lawfully shipped into,
9 or out of, this state subject to such inspection fees, and/or taxes,
10 and under such regulations as may be provided by law.

11 2. All beverages having an alcoholic content of less than
12 one-half of one percent by volume shall be exempt from the
13 provisions of this chapter but subject to inspection as provided by
14 sections 196.365 to 196.445, RSMo.]

[312.030. It shall be unlawful for any person in this state
2 to manufacture, or brew, or sell, any nonintoxicating beer without
3 first having applied for, and secured, a permit from the supervisor
4 of liquor control authorizing such brewing, manufacture and sale,
5 or sale, thereof, and it shall be unlawful for any person or any
6 railroad company, express company, motor bus company, or other
7 transportation company to transport within this state, into this
8 state or out of this state, any nonintoxicating beer without first
9 having ascertained by examination of the packages and containers
10 thereof, that such nonintoxicating beer, if manufactured or brewed
11 in this state, was so manufactured or brewed under a permit of the
12 supervisor of liquor control, authorizing such manufacture or
13 brewing, or if manufactured outside this state, is consigned to a
14 dealer, distributor, or wholesaler in this state holding a permit
15 from the supervisor of liquor control authorizing the sale thereof in
16 this state under the provisions of this chapter.]

2 [312.040. No person shall be granted a permit or license
3 hereunder unless such person is of good moral character and a
4 qualified legal voter and a taxpaying citizen of the county, town,
5 city or village nor shall any corporation be granted a permit or
6 license hereunder unless the managing officer of such corporation
7 is of good moral character and a qualified legal voter and taxpaying
8 citizen of the county, town, city or village; and no person shall be
9 granted a permit or license hereunder whose permit or license as
10 such dealer has been revoked, or who has been convicted, since the
11 ratification of the twenty-first amendment to the Constitution of
12 the United States, of a violation of the provisions of any law
13 applicable to the manufacture or sale of intoxicating liquor or
14 nonintoxicating beer, or who employs in his business as such
15 dealer, any person whose permit or license has been revoked or
16 who has been convicted of violating such law since the date
17 aforesaid; provided, that nothing in this section contained shall
18 prevent the issuance of permits or licenses to nonresidents of
19 Missouri or foreign corporations for the privilege of selling to duly
20 licensed wholesalers and soliciting orders for the sale of
21 nonintoxicating beer, to, by or through a duly licensed wholesaler,
within this state.]

2 [312.050. 1. No person having a license under the
3 provisions of this chapter to sell nonintoxicating beer at retail shall
4 be granted or permitted to hold a license to sell malt liquor
5 containing alcohol in excess of three and two-tenths percent by
6 weight or any other kind of intoxicating liquor; nor shall any
7 person be granted or permitted to hold a license to sell
8 nonintoxicating beer in, upon or about the premises of any person
9 who is the holder of a license to sell intoxicating liquor.

10 2. Any person holding a license to sell nonintoxicating beer
11 only who shall sell, give away or otherwise dispose of, or suffer the
12 same to be done in, upon or about his premises any malt liquor
13 containing alcohol in excess of three and two-tenths percent by
14 weight, or any other intoxicating liquor of any kind or character,
15 shall be deemed guilty of a felony and upon conviction shall be
punished by imprisonment in the penitentiary for a term of not less

16 than two years nor more than five years, or by imprisonment in the
17 county jail for a term of not less than three months nor more than
18 one year or by a fine of not less than one hundred dollars nor more
19 than one thousand dollars or by both such fine and jail sentence.]

2 [312.060. 1. Neither brewers or manufacturers of
3 nonintoxicating beer, or their employees, officers, agents,
4 subsidiaries or affiliates shall, under any circumstances, directly
5 or indirectly, have any financial interest in the retail business for
6 the sale of such nonintoxicating beer, nor shall they, directly or
7 indirectly, loan, give away or furnish equipment, money, credit or
8 property of any kind, except ordinary commercial credit for such
9 beer sold to such retail dealers.

10 2. All contracts entered into between such brewers or
11 manufacturers, or their officers, employees, directors or agents, in
12 any way concerning any of their products, obligating such retail
13 dealers to buy or sell only the products of any such brewer or
14 manufacturer or obligating such retail dealers to buy or sell the
15 major part of such products, required by such retail vendors from
16 any such brewer or manufacturer, shall be void and unenforceable
17 in any court in this state, and proof of the execution of such
18 contract shall forfeit the license of both the vendor and the
vendee.]

2 [312.070. Before any permit authorized by this chapter,
3 other than a manufacturer's or a wholesaler's permit, may be
4 issued to any applicant therefor, such applicant shall take and
5 subscribe to an oath that he will not, upon or about the premises
6 for which such license is sought, possess, keep, store, secrete,
7 consume, sell, give away or otherwise dispose of, or, upon or about
8 said premises, suffer or permit to be possessed, kept, stored,
9 secreted, consumed, sold, given away or otherwise disposed of, by
10 any person whomsoever; any beer having an alcohol content in
11 excess of three and two-tenths percent by weight, or any other
12 intoxicating liquor whatsoever; and that he will not violate, or,
13 upon said premises, suffer or permit any other person to violate
14 any law of this state, or knowingly allow any other person to
violate any law of this state while in or upon such premises.]

2 [312.080. Application for license to manufacture or sell
3 nonintoxicating beer, under the provisions of this chapter, shall be
4 made to the supervisor of liquor control.]

5 [312.090. 1. Every application for any permit or license
6 authorized by this chapter and every permit or license issued under
7 authority of this chapter, shall be in such form as may be
8 prescribed by the supervisor of liquor control of the state of
9 Missouri. No such permit or license shall be effective, and no right
10 granted thereby shall be exercised by the permittee or licensee,
11 unless and until he shall have obtained and securely affixed to the
12 permit or license in the space provided therefor an original stamp
13 or other form of receipt, issued by the federal government
14 evidencing the payment by the permittee or licensee to the federal
15 government, for a term to expire with the expiration of the permit
16 or license, of whatever special or occupational tax is, by any law of
17 the United States then in effect, required to be paid by a dealer in
18 fermented malt liquors. Within ten days from the issuance of said
19 federal stamp or receipt, the permittee or licensee shall file with
20 the supervisor of liquor control a photostat copy thereof, or such
21 numbered duplicate thereof or indented stub therefrom as the
22 federal government may have issued to the taxpayer with the
23 original.

24 2. Any licensee or permittee under this chapter, having in
25 his possession or upon the premises mentioned in such license or
26 permit a federal excise or occupational tax stamp or receipt
27 evidencing the payment to the federal government of a special tax
28 for being a dealer in liquor other than malt liquor, shall be guilty
29 of a misdemeanor.

30 3. No license or permit authorized by this chapter shall be
31 issued to any person having in his possession or on the premises to
32 be licensed a federal excise or occupational tax stamp or receipt,
33 designating such person or premises as a person or place for
dealing in intoxicating liquors other than malt liquors, or
evidencing the payment of a tax for being a dealer in liquor other
than malt liquors. The license of any person licensed under this
chapter, who shall have in his possession or on the licensed

34 premises, a federal excise or occupational tax stamp or special tax
35 receipt, designating such person and premises as the person and
36 place for dealing in intoxicating liquors, or evidencing the payment
37 of a tax for being a dealer in liquor other than malt liquors, shall
38 be revoked by the supervisor.

39 4. In any prosecution for violation of this section, evidence
40 that the defendant has in his possession or on said premises a
41 federal excise or occupational tax stamp or receipt, designating
42 such person or such licensed place as the person or place for
43 dealing in intoxicating liquors other than malt liquors, or
44 evidencing, the payment of a tax for being a dealer in liquors other
45 than malt liquors, shall be deemed prima facie evidence that such
46 person has kept or secreted in or about the licensed premises
47 intoxicating liquor containing alcohol in excess of three and
48 two-tenths percent by weight.]

[312.100. 1. Before any permit required by this chapter
2 shall be issued, the annual fee required therefor shall be paid into
3 the state treasury, or to the director of revenue if provided by law,
4 and the receipt for such payment filed in the office of the
5 supervisor of liquor control. Annual fees required for permits
6 authorized by this chapter shall be as follows:

7 (1) For a permit authorizing the manufacture, and the sale
8 by the manufacturer, of nonintoxicating beer brewed or
9 manufactured in this state, two hundred and fifty dollars;

10 (2) For a permit authorizing the sale in this state by any
11 distributor or wholesaler, other than the manufacturer or brewer
12 thereof, of nonintoxicating beer, fifty dollars;

13 (3) For a permit authorizing the sale of nonintoxicating beer
14 for consumption on premises where sold, twenty-five dollars;

15 (4) For a permit authorizing the sale of nonintoxicating beer
16 by grocers and other merchants and dealers, for sale in the original
17 package direct to consumers, but not for resale, fifteen dollars;

18 (5) For the privilege of selling to duly licensed wholesalers
19 and soliciting orders for the sale of nonintoxicating beer, fifty
20 dollars.

21 2. The provisions of this section are subject to and limited

22 by the provisions of sections 311.181 and 311.182, RSMo.

23 3. The licenses prescribed in this section for the privilege
24 of selling nonintoxicating beer by a wholesaler shall allow such
25 wholesaler to sell nonintoxicating beer to licensees licensed by the
26 gaming commission to sell beer or alcoholic beverages pursuant to
27 section 313.840, RSMo.]

[312.110. A separate permit or license shall be required for
2 each place of business. Every permit or license issued shall expire
3 with the thirtieth day of June next succeeding the date of such
4 permit or license. Applications for renewal of permits or licenses
5 must be filed with the supervisor of liquor control on or before the
6 first day of May of each calendar year. Of the annual license tax
7 required in this chapter to be paid for any permit or license, the
8 applicant shall pay as many twelfths as there are months (part of
9 a month counted as one month) remaining from the date of the
10 permit or license, to, but not including, the next succeeding first
11 day of July.]

[312.120. All applications for all licenses mentioned in this
2 chapter shall be made to the supervisor of liquor control and shall
3 be accompanied by a proper remittance made payable to the
4 director of revenue. The supervisor of liquor control shall have the
5 power and duty to determine whether each application for such
6 license shall be approved or disapproved. Upon disapproval of any
7 application for a license, the supervisor of liquor control shall so
8 notify the applicant in writing, setting forth therein the grounds
9 and reasons for disapproval, and shall return therewith the
10 applicant's remittance. Upon approval of any application for a
11 license, the supervisor of liquor control shall issue to the applicant
12 the appropriate license and contemporaneously with such issuance
13 shall file a notice of the issuance of such license together with the
14 applicant's remittance in payment of the same with the director of
15 revenue. The director of revenue shall immediately issue a receipt
16 in duplicate for such payment, one copy of which shall be filed with
17 the supervisor of liquor control and one copy retained by the
18 director of revenue.]

[312.130. No license issued under this chapter shall be

2 transferable or assignable.]

3 [312.140. The county commission in each county of this
4 state or the corresponding authority in the city of St. Louis is
5 hereby authorized to make a charge for licenses issued to retail
6 dealers in nonintoxicating beer, the charge in each instance to be
7 determined by the county commission or the corresponding
8 authority in the city of St. Louis by order of record, but said charge
9 shall in no event exceed the amount provided for in section 312.100
10 for state purposes. The board of aldermen, city council or other
11 proper authorities of incorporated cities, towns and villages
12 including the city of St. Louis may charge for licenses issued to
13 manufacturers, brewers, wholesalers, and retailers of
14 nonintoxicating beer within their limits, which charge for licenses
15 shall not exceed one and one-half times the amount charged for a
16 state license, and provide for the collection thereof, make and
17 enforce ordinances for the regulation and control of the sale of
18 nonintoxicating beer within their limits not inconsistent with the
19 provisions of this chapter, and provide penalties for the violation
20 thereof. No municipal corporation shall increase any occupation
21 tax which it now levies upon any holder of any permit required by
22 this chapter in excess of the amount of such tax imposed upon
merchants and dealers in the same or similar lines of business and
not holding any such permit.]

[312.150. A permit to brew or manufacture and sell
2 nonintoxicating beer in this state shall be construed to authorize
3 the sale, by the holder of such permit, of nonintoxicating beer to
4 distributors or wholesalers for resale to retailers only, and/or the
5 sale of nonintoxicating beer by the holders of such permits, direct
6 to retailers. A permit authorizing any distributor or wholesaler to
7 sell nonintoxicating beer in this state shall be construed to
8 authorize the sale thereof only to holders of permits authorizing
9 the sale of nonintoxicating beer to consumers, not for resale, but
10 shall not be construed to authorize the sale by any such distributor
11 or wholesaler of nonintoxicating beer direct to consumers.]

[312.160. No person, except a duly licensed manufacturer
2 or wholesaler, shall possess nonintoxicating beer within the state

3 of Missouri unless the same has been acquired from some person
4 holding a duly authorized license to sell the same under this
5 chapter, or unless the nonintoxicating beer is had or kept with the
6 written or printed permission of the supervisor of liquor control.]

[312.170. It shall be the duty of each holder of a permit
2 authorizing the manufacture and sale, or the sale, of
3 nonintoxicating beer, on or before the fifth day of each calendar
4 month, to file in the office of the supervisor of liquor control, a
5 sworn statement showing the amount of nonintoxicating beer
6 manufactured and sold, or sold, and to whom sold, during the next
7 preceding calendar month, and it shall be the duty of each holder
8 of a permit authorizing the sale of nonintoxicating beer for
9 consumption and not for resale, on or before the fifth day of each
10 month, to file in the office of the supervisor of liquor control, a
11 sworn statement showing the amount of nonintoxicating beer
12 purchased and from whom purchased, and the amount of
13 nonintoxicating beer sold, during the next preceding calendar
14 month. Every such statement shall be signed and sworn to by the
15 holder of such permit if an individual, or by some authorized officer
16 of the holder if a corporation.]

[312.180. 1. Every railroad company, express company,
2 airplane company, motor transportation company, steamboat
3 company, or other transportation company who shall transport
4 into, out of, or within this state any nonintoxicating beer, whether
5 brewed or manufactured within this state or outside this state,
6 shall, when requested by the supervisor of liquor control furnish
7 such supervisor a duplicate of the bill of lading covering or receipt
8 for such nonintoxicating beer, showing the name of the brewer or
9 manufacturer, and the name and address of the consignor and
10 consignee, and the date and place received, and the destination and
11 quantity of nonintoxicating beer received from such manufacturer,
12 or brewer, or other consignor, for shipment from any point within
13 or without this state, to any point within this state.

14 2. Any such railroad company, express company, airplane
15 company, motor transportation company, steamboat company, or
16 other transportation company failing to comply with the

17 requirements of this chapter, shall forfeit and pay to the state of
18 Missouri, the sum of fifty dollars for each and every such failure,
19 to be recovered in any court of competent jurisdiction, and the
20 supervisor of liquor control and the director of revenue are each
21 hereby authorized and empowered to call upon the prosecuting
22 attorneys of the respective counties or the circuit attorneys or the
23 attorney general to bring any proceeding hereunder at the relation
24 of the supervisor of liquor control or the director of revenue, as the
25 case may be, to the use of the state of Missouri, for such recovery.]

[312.190. The supervisor of liquor control shall keep a
2 record of the names and places of business of all persons engaged
3 in the brewing or manufacturing and (or) in the sale of
4 nonintoxicating beer. He shall also keep a record of all
5 nonintoxicating beer brewed or manufactured and sold, and the
6 amount thereof, by each brewer or manufacturer, or sold by each
7 dealer other than a brewer or manufacturer, and a record of all
8 inspection fees, permit fees and forfeitures collected, and of all
9 expenses incurred in the collection thereof and shall make a full,
10 true and complete report of the same to the governor, and the
11 general assembly on or before the fifteenth day of January of each
12 odd numbered year.]

[312.200. It shall be unlawful for any person in this state,
2 engaged in the brewing or manufacture of nonintoxicating beer, to
3 use any ingredients not in compliance with the following standards:

4 (1) Nonintoxicating beer shall be brewed from malt or a
5 malt substitute, which only includes rice, grain of any kind, bean,
6 glucose, sugar, and molasses. Honey, fruit, fruit juice, fruit
7 concentrate, herbs, spices, and other food materials may be used as
8 adjuncts in fermenting nonintoxicating beer; and

9 (2) Flavors and nonbeverage ingredients containing alcohol
10 may be used in producing nonintoxicating beer, but may contribute
11 to no more than forty-nine percent of the overall alcohol content of
12 the finished nonintoxicating beer.]

[312.210. 1. It shall be the duty of the supervisor of liquor
2 control to inspect, or to cause to be inspected, all nonintoxicating
3 beer brewed or manufactured and sold, or sold, in this state, and

4 he shall determine whether such nonintoxicating beer has been
5 made from pure hops or pure extract of hops and pure barley malt,
6 or other wholesome grains or cereals, and wholesome yeast and
7 pure water, and whether the package or packages containing such
8 nonintoxicating beer have been correctly stamped to show that the
9 same has been made from pure hops or pure extract of hops and
10 pure barley malt, or other wholesome grains or cereals, and
11 wholesome yeast and pure water.

12 2. Notwithstanding the provisions of subsection 1 of this
13 section, the supervisor of liquor control shall not require product
14 samples and shall not require the testing of product samples to
15 determine alcohol content prior to granting approval for the sale of
16 any such nonintoxicating beer product in the state of Missouri if
17 the supervisor of liquor control is provided with a copy of a
18 certificate of label approval issued by the Federal Bureau of
19 Alcohol, Tobacco and Firearms which verifies the alcohol content
20 of the product.]

[312.220. 1. Inspection of nonintoxicating beer may be
2 made by samples of quantities in the original vats before such
3 nonintoxicating beer is placed in bottles, barrels or kegs, or, in the
4 case of nonintoxicating beer manufactured or brewed in another
5 state and shipped into this state, from samples taken from each
6 shipment thereof.

7 2. Any manufacturer or brewer who, after the inspection of
8 any nonintoxicating beer in bulk, shall change the ingredients
9 thereof, or increase the alcoholic content thereof, or any distributor
10 or wholesaler who shall substitute, in any shipment of
11 nonintoxicating beer, any beer or other liquid for sale as
12 nonintoxicating beer, having any other ingredients therein than
13 those contained in the samples submitted for inspection, or having
14 an alcoholic content in excess of three and two-tenths percent by
15 weight, shall be deemed guilty of a misdemeanor and upon
16 conviction thereof shall be punished by imprisonment in the county
17 jail for a term of not more than one year or by a fine of not less
18 than fifty dollars nor more than one thousand dollars or by both
19 such fine and jail sentence.]

1 [312.230. As a charge for the inspection of nonintoxicating
2 beer, the director of revenue shall collect one dollar and eighty-six
3 cents per barrel of nonintoxicating beer manufactured or brewed in
4 this state for sale in this state, or manufactured or brewed in
5 another state and shipped or transported into this state for sale
6 subject to the provisions of this chapter.]

1 [312.233. 1. Payment of the charges provided by section
2 312.230 shall be made by the manufacturer (including one who
3 bottles nonintoxicating beer) as to all nonintoxicating beer
4 produced or imported by the manufacturer for sale or use for
5 beverage purposes within this state, by the out-state solicitor who
6 imports into this state nonintoxicating beer manufactured or
7 produced outside of this state for sale or use for beverage purposes
8 within this state and by the wholesale dealer who imports or
9 receives nonintoxicating beer manufactured or produced without
10 the United States for sale or use for beverage purposes within this
11 state. Each manufacturer, out-state solicitor and wholesale dealer
12 on or before the fifteenth day of each calendar month shall file with
13 the supervisor of liquor control, on forms prescribed and furnished
14 by the supervisor, a written report in duplicate, under oath, in such
15 form as is required by the supervisor to enable him to compute, and
16 assure the accuracy of, the charges due on all sales and
17 importations of nonintoxicating beer occurring during the preceding
18 month. Payment of the charges in the amount disclosed by the
19 report by bank draft, money order, certified check or cashier's
20 check payable to the department of revenue shall accompany the
21 report to the supervisor of liquor control.

22 2. If the supervisor of liquor control deems it necessary in
23 order to ensure the payment of the charges imposed by this law, he
24 may require returns to be made more frequently than and covering
25 periods of less than a month. The return shall contain such further
26 information as the supervisor of liquor control may reasonably
27 require. Each such manufacturer, out-state solicitor or wholesale
28 dealer shall pay to the director of revenue, with the filing of such
29 return, the tax imposed by this law, as so reported during the
30 period covered by such return.

31 3. In case of failure to pay any charges as required under
32 section 312.230 on or before the date prescribed therefor, there
33 shall be added to the amount of charge an amount equal to one
34 percent per business day of the deficiency, not to exceed twenty-five
35 percent of the deficiency, and in addition interest on the deficient
36 charge and penalty at the rate of one percent a month or fraction
37 of a month from the date the deficient charge became due until
38 paid.]

 [312.235. Every manufacturer, including one who bottles
2 nonintoxicating beer, as to all nonintoxicating beer produced or
3 imported by the manufacturer for sale or use for beverage purposes
4 within this state, and the out-state solicitor who imports into this
5 state nonintoxicating beer manufactured or produced outside this
6 state for sale or use for beverage purposes within this state, and
7 the wholesale dealer who imports or receives nonintoxicating beer
8 manufactured or produced without the United States for sale or use
9 for beverage purposes within this state and who, therefore, shall be
10 liable for payment of charges as provided by section 312.233, shall
11 also file with the supervisor of liquor control a bond in an amount
12 not less than one thousand dollars and not to exceed one hundred
13 thousand dollars on a form to be approved by, and with a surety
14 satisfactory to, the supervisor of liquor control. Such bond shall be
15 conditioned upon the manufacturer, out-state solicitor or wholesale
16 dealer paying to the director of revenue all moneys becoming due
17 from such manufacturer, out-state solicitor or wholesale dealer
18 under this law. The supervisor of liquor control shall fix the
19 penalty of the bond in each case, taking into consideration the
20 amount of nonintoxicating beer expected to be sold and used by
21 such manufacturer, out-state solicitor or wholesale dealer, and the
22 penalty fixed by the supervisor shall be sufficient in the
23 supervisor's opinion, to protect the state of Missouri against failure
24 to pay any amount due under this law, but the amount of the
25 penalty fixed by the supervisor shall not exceed twice the amount
26 of tax liability of a monthly return. In no event shall the amount
27 of such penalty be less than one thousand dollars. Failure by any
28 licensed manufacturer, out-state solicitor or wholesale dealer to

29 keep a satisfactory bond in effect with the supervisor or to furnish
30 additional bond to the supervisor when required hereunder by the
31 supervisor to do so shall be grounds for the revocation or
32 suspension of such manufacturer's, out-state solicitor's or wholesale
33 dealer's license by the supervisor. If a manufacturer, out-state
34 solicitor or wholesale dealer fails to pay any amount due under this
35 law, his bond with the supervisor shall be deemed forfeited, and
36 the department of revenue may institute a suit in its own name on
37 such bond.]

[312.237. After notice and opportunity for a hearing, the
2 supervisor may revoke or suspend the license of any manufacturer,
3 out-state solicitor or wholesale dealer who fails to comply with the
4 provisions of sections 312.233 and 312.235. No new or renewal
5 license shall be granted to a person who fails to comply with
6 sections 312.233 and 312.235.]

[312.270. Any person who sells, or offers for sale, any
2 nonintoxicating beer within this state, which has not first been
3 inspected and labeled as required by the provisions of this chapter
4 is guilty of a misdemeanor and upon conviction thereof shall be
5 punished by imprisonment in the county jail for a term of not more
6 than one year, or by a fine of not less than fifty dollars nor more
7 than one thousand dollars or by both the fine and jail sentence.]

[312.280. Nonintoxicating beer brewed or manufactured in
2 this state for shipment and sale outside of this state shall be
3 exempt from the inspection fees by this chapter required to be
4 collected for the inspection of nonintoxicating beer brewed or
5 manufactured for sale in this state, but shall be inspected by the
6 supervisor of liquor control as required by this chapter.]

[312.290. The supervisor of liquor control, his assistants,
2 deputies, special agents, agents and inspectors, shall have the
3 authority to inspect all premises covered by permit or license
4 issued under this chapter to see that provisions of this chapter are
5 being obeyed.]

[312.300. It shall be unlawful for any person to sell, or offer
2 for sale, in this state, any nonintoxicating beer except the same
3 shall be sold or offered for sale in the original bottle, or in the

4 original package containing bottles, bearing the original label and
5 full name of the brewer or manufacturer thereof, both upon the
6 label on the bottle, and upon the cap or cork of such bottle, or in
7 the case of the sale of nonintoxicating beer on draught, except the
8 same be drawn from the original keg or barrel having stamped on
9 the ends thereof the full name of the manufacturer or brewer of the
10 nonintoxicating beer therein contained.]

[312.310. 1. It shall be the duty of every manufacturer or
2 brewer manufacturing or brewing any nonintoxicating beer in this
3 state, and of every manufacturer or brewer, distributor or
4 wholesaler, outside of this state shipping any nonintoxicating beer
5 into this state for sale in this state at wholesale or retail, to cause
6 every bottle, barrel, keg, and other container of such
7 nonintoxicating beer to have on the label thereon in plain letters
8 and figures "alcoholic content not in excess of 3.2% by weight", or
9 "alcoholic content not in excess of 4% of volume"; provided,
10 however, that any container of nonintoxicating beer which has an
11 alcoholic content not in excess of 2.5% of volume shall be labeled as
12 follows: "alcoholic content not in excess of 2.0% by weight", or
13 "alcoholic content not in excess of 2.5% of volume"; or "alcohol
14 content less than 2% by weight".

15 2. Any beer not so labeled shall be deemed to have an
16 alcoholic content in excess of three and two-tenths percent by
17 weight, and the sale thereof in this state shall be subject to all the
18 regulations and penalties provided by law for the sale of beer
19 having an alcoholic content in excess of three and two-tenths
20 percent by weight. Any person who shall sell any beer, regardless
21 of the alcoholic content thereof, as nonintoxicating beer in, or out
22 of, any bottle, barrel, keg or other container, not so labeled as
23 required by this section shall be deemed guilty of a misdemeanor.]

[312.320. 1. For the purpose of enforcing the provisions of
2 this chapter and acts amendatory thereto, the prosecuting
3 attorneys of the respective counties and the circuit attorneys, or at
4 the request of the governor the attorney general, shall investigate
5 and prosecute all violations of any provision of this chapter; and
6 shall represent the supervisor of liquor control in any and all legal

7 matters arising under this chapter. When requested by the
8 governor, the attorney general, or his assistants, shall in the
9 enforcement of this chapter, have the power to sign indictments or
10 information and conduct prosecutions in any county or city within
11 this state.

12 2. Whenever any tax, fee or other charge, as authorized by
13 this chapter shall be due, suit may be instituted in any court of
14 competent jurisdiction by the prosecuting attorney of the county,
15 or at the request of the director of revenue, by the attorney general,
16 in the name of the state at the relation of the director of revenue,
17 to recover such tax, fee or other charge, and in any such suit all
18 persons, associations or corporations interested may be made
19 parties and service may be had on both residents and nonresidents
20 in the same manner as provided by law in civil actions.]

[312.330. The fees, taxes, and forfeitures collected by the
2 director of revenue under the provisions of this chapter, shall be
3 paid into the state treasury and become a part of the ordinary
4 revenue fund.]

[312.340. 1. Whenever requested to carry out any of the
2 duties as required by the laws relating to the manufacturing,
3 transportation, sale and inspection of nonintoxicating beer the
4 attorney general may, in his discretion, direct the circuit attorney
5 of the city of St. Louis or the prosecuting attorney of any county in
6 which any violation of the laws relating to the manufacturing,
7 transportation, sale and inspection of nonintoxicating beer shall
8 have been violated to conduct prosecutions and institute suits as
9 required by the laws pertaining thereto.

10 2. The supervisor of liquor control shall, at least once each
11 month, transmit a list of all complaints made to or by him against
12 licensees for alleged violations of the laws of this state relating to
13 the manufacturing, transportation, sale and inspection of
14 nonintoxicating beer, to the circuit attorney of the city of St. Louis
15 and to the prosecuting attorney of every county in which said
16 violations are alleged to have occurred, together with a list showing
17 all revocations and suspensions of licenses within such county
18 ordered by the supervisor of liquor control, together with a brief

19 statement of the facts pertaining to each case, and it shall be the
20 duty of the supervisor of liquor control at the time of transmitting
21 each such list and statement to transmit to the attorney general a
22 duplicate thereof for the information of the attorney general in
23 carrying out and enforcing the provisions of the laws relating to the
24 manufacturing, transportation, sale and inspection of
25 nonintoxicating beer.

26 3. It shall be the duty of the circuit attorney of the city of
27 St. Louis and the prosecuting attorney of every county to transmit
28 to the supervisor of liquor control, at least once in every three
29 months, a written report of the action, if any, taken by such circuit
30 or prosecuting attorney on each complaint contained on the list so
31 transmitted to him.]

[312.350. If the supervisor of liquor control, his deputy, or
2 any inspector appointed by him and assigned thereto, shall fail to
3 perform any of the duties required of him by this chapter, or shall
4 in any manner violate any of the provisions of this chapter, for
5 which no other punishment is prescribed he shall be deemed guilty
6 of a misdemeanor, and in addition to such punishment, shall forfeit
7 his office or position and shall not thereafter for a period of four
8 years, be eligible to reappointment or to appointment to any other
9 office in this state.]

[312.360. The supervisor of liquor control shall have the
2 authority to suspend or revoke for cause all such licenses and to
3 make the following regulations, without limiting the generality of
4 provisions empowering the supervisor of liquor control as in this
5 chapter set forth, as to the following matters, acts, and things:

6 (1) Fix and determine the nature, form, and capacity of all
7 packages used for containing nonintoxicating beer of any kind to be
8 kept or sold under this chapter;

9 (2) Prescribe an official seal and label and determine the
10 manner in which such seal or label shall be attached to every
11 package of nonintoxicating beer so sold under this chapter (this
12 includes prescribing different official seals or different labels for
13 the different classes, varieties or brands of nonintoxicating beer);

14 (3) Prescribe all forms, applications, and licenses and such

15 other forms as are necessary to carry out the provisions of this
16 chapter;

17 (4) Prescribe the terms and conditions of the licenses issued
18 and granted under this chapter;

19 (5) Prescribe the nature of the proof to be furnished and
20 conditions to be observed in the issuance of duplicate licenses in
21 lieu of those lost or destroyed;

22 (6) Establish rules and regulations for the conduct of the
23 business carried on by each specific licensee under the license, and
24 such rules and regulations if not obeyed by every licensee shall be
25 grounds for the revocation or suspension of the license;

26 (7) The right to examine books, records, and papers of each
27 licensee, and to hear and determine complaints against any
28 licensee;

29 (8) To issue subpoenas and all necessary processes and
30 require the production of papers, to administer oaths, and to take
31 testimony;

32 (9) Prescribe all forms of labels to be affixed to all packages
33 containing nonintoxicating beer of any kind; and

34 (10) To make such other rules and regulations as are
35 necessary and feasible for carrying out the provisions of this
36 chapter as are not inconsistent with this chapter.]

[312.370. Whenever it shall be shown, or whenever the
2 supervisor of liquor control has knowledge that a dealer licensed
3 hereunder, has not at all times kept an orderly place or house, or
4 has violated any of the provisions of this chapter, said supervisor
5 of liquor control shall revoke or suspend the license of said dealer,
6 but the dealer must have ten days' notice of the application to
7 revoke or suspend his license prior to the order of revocation or
8 suspension issuing, with full right to have counsel to produce
9 witnesses in his behalf in such hearing and to be advised in writing
10 of the grounds upon which his license is sought to be revoked or
11 suspended.]

[312.380. 1. In addition to the penalties and proceedings
2 for revocation of licenses provided for in nonintoxicating beer law,
3 and without limiting them, proceedings for the suspension or

4 revocation of any license authorizing the sale of nonintoxicating
5 beer at retail may be brought in the circuit court of any county in
6 this state or in the city of St. Louis, in which the licensed premises
7 are located and such proceedings may be brought by the sheriff or
8 any peace officer of that county or by any eight or more persons
9 who are taxpaying resident citizens of the county or city, for any of
10 the following offenses:

11 (1) Knowingly selling, giving or otherwise supplying
12 nonintoxicating beer to any person while such person is in an
13 intoxicated condition;

14 (2) Knowingly permitting any prostitute, degenerate or
15 dissolute person to frequent the licensed premises;

16 (3) Permitting on the licensed premises any disorderly
17 conduct, breach of the peace, or any lewd, immoral or improper
18 entertainment, conduct or practices;

19 (4) Selling, offering for sale, possessing or permitting the
20 consumption on the licensed premises of any kind of alcoholic
21 liquors, the sale, possession or consumption of which is not
22 authorized under his license; provided, that said taxpaying citizens
23 shall submit in writing, under oath, by registered United States
24 mail to the supervisor of liquor control a joint complaint, stating
25 the name of the licensee, the name under which the licensee's
26 business is conducted and the address of the licensed premises,
27 setting out in general the character and nature of the offense or
28 offenses charged, together with the names and addresses of the
29 witnesses by whom proof thereof is expected to be made; and
30 provided, that after a period of thirty days after the mailing of such
31 complaint to the supervisor of liquor control the person therein
32 complained of shall not have been cited by the supervisor to appear
33 and show cause why his license should not be suspended or revoked
34 then they shall file with the circuit clerk of the county or city in
35 which the premises are located a copy of the complaint on file with
36 the supervisor of liquor control.

37 2. If, pursuant to the receipt of such complaint by the
38 supervisor of liquor control, the licensee appears and shows cause
39 why his license should not be suspended or revoked at a hearing

40 held for that purpose by the supervisor and either the
41 complainants or the licensee consider themselves aggrieved with
42 the order of the supervisor then, after a request in writing by
43 either the complainants or the licensee, the supervisor shall certify
44 to the circuit clerk of the county or city in which the licensed
45 premises are located a copy of the original complaint filed with
46 him, together with a copy of the transcript of the evidence adduced
47 at the hearing held by him. Such certification by the supervisor
48 shall not act as a supersedeas of any order made by him. Upon
49 receipt of such complaint, whether from the complainant directly
50 or from the supervisor of liquor control, the court shall set a date
51 for an early hearing thereon and it shall be the duty of the circuit
52 clerk to cause to be delivered by registered United States mail to
53 the prosecuting attorney of the county or to the circuit attorney of
54 the city of St. Louis and to the licensee copies of the complaint and
55 he shall, at the same time, give notice of the time and place of the
56 hearing. Such notice shall be delivered to the prosecuting attorney
57 or to the circuit attorney and to the licensee at least fifteen days
58 prior to the date of the hearing.

59 3. The complaint shall be heard by the court without a jury
60 and if there has been a prior hearing thereon by the supervisor of
61 liquor control then the case shall be heard de novo and both the
62 complainant and the licensee may produce new and additional
63 evidence material to the issues. If the court shall find upon the
64 hearing that the offense or offenses charged in the complaint have
65 been established by the evidence, the court shall order the
66 suspension or revocation of the license but, in so doing, shall take
67 into consideration whatever order, if any, may have been made in
68 the premises by the supervisor of liquor control. If the court finds
69 that to revoke the license would be unduly severe, then the court
70 may suspend the license for such period of time as the court deems
71 proper.

72 4. The judgment of the court in no event shall be
73 superseded or stayed during pendency of any appeal therefrom.

74 5. It shall be the duty of the prosecuting attorney or circuit
75 attorney to prosecute diligently and without delay any such

76 complaints coming to him by virtue of this section.

77 6. The jurisdiction herein conferred upon the circuit courts
78 to hear and determine complaints for the suspension or revocation
79 of licenses in the manner provided in this section shall not be
80 exclusive and any authority conferred upon the supervisor of liquor
81 control to revoke or suspend licenses shall remain in full force and
82 effect, and the suspension or revocation of a license as herein
83 provided shall be in addition to and not in lieu of any other
84 revocation or suspension provided by this chapter.

85 7. Costs accruing because of such hearings in the circuit
86 court shall be taxed in the same manner as criminal costs.]

 [312.390. It shall be unlawful for any person holding a
2 permit authorizing the sale of nonintoxicating beer in the original
3 package to allow such original package to be broken, or to allow
4 any of such nonintoxicating beer to be consumed, in or upon the
5 premises described in such permit.]

 [312.400. No person or his employee shall sell or supply
2 nonintoxicating beer or permit same to be sold or supplied to a
3 habitual drunkard or to any person who is under or apparently
4 under the influence of alcoholic beverages. Nonintoxicating beer
5 shall not be given, sold or otherwise supplied to any person under
6 the age of twenty-one years, but this shall not apply to the
7 supplying of nonintoxicating beer to a person under said age for
8 medicinal purposes only, or by the parent or guardian of such
9 person or to the administering of said nonintoxicating beer to said
10 person by a physician.]

 [312.405. 1. Any person of the age of seventeen years and
2 under the age of twenty-one years who represents that he has
3 attained the age of twenty-one for the purpose of purchasing,
4 asking for or in any way receiving nonintoxicating beer, shall, upon
5 conviction be deemed guilty of a misdemeanor.

 2. Any person under the age of seventeen years who
6 represents that he has attained the age of twenty-one years for the
7 purpose of purchasing, asking for or in any way receiving
8 nonintoxicating beer, shall be dealt with in accordance with the
9 provisions of chapter 211, RSMo.]
10

2 [312.407. 1. Any person under the age of twenty-one years
3 who purchases or attempts to purchase, or has in his possession,
4 any nonintoxicating beer as defined in section 312.010, is guilty of
5 a misdemeanor. For purposes of prosecution under this section or
6 any other provision of this chapter involving an alleged illegal sale
7 or transfer of nonintoxicating beer to a person under twenty-one
8 years of age, a manufacturer-sealed container describing that there
9 is nonintoxicating beer therein need not be opened or the contents
10 therein tested to verify that there is nonintoxicating beer in such
11 container. The alleged violator may allege that there was not
12 nonintoxicating beer in such container, but the burden of proof of
13 such allegation is on such person, as it shall be presumed that such
14 a sealed container describing that there is nonintoxicating beer
15 therein contains nonintoxicating beer.

16 2. For purposes of determining violations of any provisions
17 of this chapter or of any rule or regulation of the supervisor of
18 alcohol and tobacco control, a manufacturer-sealed container
19 describing that there is nonintoxicating beer therein need not be
20 opened or the contents therein tested to verify that there is
21 nonintoxicating beer in such container. The alleged violator may
22 allege that there was not nonintoxicating beer in such container,
23 but the burden of proof of such allegation is on such person, as it
24 shall be presumed that such a sealed container describing that
25 there is nonintoxicating beer therein contains nonintoxicating
beer.]

2 [312.410. No person having a license under the provisions
3 of this chapter shall sell, give away or permit the consumption of
4 any nonintoxicating beer in any quantity between the hours of 1:30
5 a.m. and 6:00 a.m., upon or about his or her premises, and any
6 person violating any provision of this section shall be deemed
7 guilty of a misdemeanor and shall be punished by imprisonment in
8 the county jail for a term of not more than one year, or by a fine of
9 not less than fifty dollars nor more than one thousand dollars or by
both such fine and jail sentence.]

2 [312.420. Any permit issued under the provisions of this
chapter authorizing the sale of nonintoxicating beer for

3 consumption on the premises described in such permit, shall be
4 construed to authorize the sale of such nonintoxicating beer by the
5 bottle, by the glass, on draught, and in the original package.]

2 [312.430. Any person holding a permit under this chapter
3 to sell nonintoxicating beer at retail, who shall have or keep or
4 secrete in or about the premises described in and covered by his
5 permit any intoxicating liquor of any kind or character, or any
6 manufacturer or wholesale distributor who shall sell intoxicating
7 liquor containing alcohol in excess of three and two-tenths percent
8 by weight to any retail distributor holding a license or permit for
9 the sale of nonintoxicating beer only, shall be deemed guilty of a
10 misdemeanor and upon conviction thereof shall be punished by
11 imprisonment in the county jail for a term of not more than one
12 year or by a fine of not less than fifty dollars nor more than one
thousand dollars or by both such fine and jail sentence.]

2 [312.440. It shall be the duty of every holder of a permit to
3 manufacture and sell, or to sell, nonintoxicating beer, to use every
4 precaution to prevent any person on the premises described in such
5 permit, from pouring into, mixing with, or adding to, such
6 nonintoxicating beer, any alcohol or other liquid, or any alcohol
7 cube or cubes, or other ingredient or ingredients, that will increase,
8 or tend to increase, the alcoholic content of such nonintoxicating
9 beer. And any such permit holder who shall knowingly permit any
10 person on the premises described in such permit, to pour into, mix
11 with, or add to, such nonintoxicating beer, any alcohol, or other
12 liquid, or any alcohol cube or cubes, or other ingredient or
13 ingredients, that will increase, or tend to increase, the alcoholic
14 content of such nonintoxicating beer, shall be deemed guilty of a
15 misdemeanor, and in addition thereto, shall forfeit such permit and
16 shall not thereafter, for a period of one year, be entitled to hold a
17 permit authorizing the manufacture and sale, or the sale, of
nonintoxicating beer in this state.]

2 [312.450. Any person who shall, in this state, brew or
3 manufacture, or who shall sell, any nonintoxicating beer as defined
4 in this chapter, without first having obtained a permit or license
from the supervisor of liquor control authorizing the brewing or

5 manufacturing and sale, or the sale, of nonintoxicating beer; or
6 who, having obtained such permit or license, shall fail or refuse to
7 promptly thereafter obtain and securely affix to such permit or
8 license the federal excise or special tax stamp or receipt, as in this
9 chapter required, shall upon conviction thereof, be adjudged guilty
10 of a misdemeanor, and punished by a fine of not less than fifty
11 dollars, nor more than one thousand dollars, or by imprisonment
12 in the county jail for a term not exceeding one year, or by both such
13 fine and jail sentence.]

[312.460. Any person in this state holding a license under
2 the provisions of this chapter who shall pour into, mix with, or add
3 to, any nonintoxicating beer, as in this chapter defined, any alcohol
4 or other liquid, or any alcohol cube or cubes, or any other
5 ingredient or ingredients, that will increase, or tend to increase,
6 the alcoholic content of such nonintoxicating beer on the licensed
7 premises where his business is conducted or suffer the same to be
8 done or who shall possess any such mixture on said premises, shall
9 be deemed guilty of a misdemeanor and upon conviction thereof
10 shall be punished by imprisonment in the county jail for a term of
11 not more than one year or by a fine of not less than fifty dollars nor
12 more than one thousand dollars or by both such fine and jail
13 sentence.]

[312.470. Any person in this state who shall sell or offer for
2 sale any nonintoxicating beer in the original package without a
3 permit as authorized by this chapter; or who shall open any
4 original package containing nonintoxicating beer on the premises
5 where purchased; or who shall drink any nonintoxicating beer
6 purchased in the original package on the premises where
7 purchased; or who shall in any place of business in this state where
8 goods, wares and merchandise, including articles of food and drink
9 served for consumption at the place of sale, are kept or offered for
10 sale, drink any nonintoxicating beer purchased in the original
11 package, shall be deemed guilty of a misdemeanor and upon
12 conviction thereof shall be punished by imprisonment in the county
13 jail for a term of not more than one year or by a fine of not less
14 than fifty dollars nor more than one thousand dollars or by both

15 such fine and jail sentence.]

2 [312.480. Any person who shall evade, or attempt to evade,
3 the payment of any permit or inspection fee, required by this
4 chapter, shall be deemed guilty of a misdemeanor and upon
5 conviction thereof shall be punished by imprisonment in the county
6 jail for a term of not more than one year or by a fine of not less
7 than fifty dollars nor more than one thousand dollars or by both
such fine and jail sentence.]

2 [312.484. 1. Notwithstanding the provisions of section
3 312.060, 312.480, 312.500, or 312.510, or any other provision within
4 this chapter containing a penalty provision of law, any person
5 paying the fee imposed by section 312.230 shall be subject to the
6 penalty provision of subsection 2 of this section with regard only to
7 its manufacturer's license rather than the general or specific
8 penalty provisions of the other provisions within this chapter, or
9 any rule or regulation promulgated pursuant thereto. Such
10 manufacturer shall not be subject to any other form of punishment
with regard to its manufacturer's license.

11 2. Any person as defined by subsection 1 of this section
12 violating a provision of law contained in this chapter, or any rule
13 or regulation promulgated pursuant thereto, shall be fined for the
14 first offense, ten thousand dollars; for the second offense,
15 twenty-five thousand dollars; and for the third and subsequent
16 offenses, fifty thousand dollars.]

2 [312.490. It shall be unlawful for any officer, agent, or
3 employee of any incorporated company, or association, acting for
4 such corporation or association, to authorize or permit such
5 corporation to violate any of the provisions of this chapter, and any
6 such officer, agent, or employee so offending shall be deemed guilty
7 of a misdemeanor and upon conviction thereof shall be punished by
8 imprisonment in the county jail for a term of not more than one
9 year or by a fine of not less than fifty dollars nor more than one
thousand dollars or by both such fine and jail sentence.]

2 [312.500. Any person violating any of the provisions of this
3 chapter shall be deemed guilty of a misdemeanor, except where the
punishment is specifically prescribed by this chapter, and shall be

4 punished by imprisonment in the county jail for a term of not more
5 than one year, or by a fine of not less than fifty dollars nor more
6 than one thousand dollars or by both such fine and jail sentence.]

2 [312.510. 1. Any violation of any of the provisions of this
3 chapter not otherwise defined, shall be a misdemeanor, and any
4 person guilty of violating any of said provisions, and for which
5 violation no other penalty is by this chapter imposed, shall, upon
6 conviction thereof be adjudged guilty of a misdemeanor and
7 punished by a fine of not less than fifty dollars, nor more than one
8 thousand dollars, or by imprisonment in the county jail for a term
not exceeding one year, or by both such fine and jail sentence.

9 2. If the person so convicted shall be the holder of any
10 permit or license issued pursuant to the provisions of this chapter,
11 such conviction by any court of competent jurisdiction shall,
12 without further proceeding, action or order by any court or by the
13 supervisor of liquor control, operate to revoke and forfeit as of the
14 date of such conviction such permit and all rights and privileges
15 granted thereby, and the holder of such permit shall not thereafter,
16 for a period of one year after the date of such conviction, be entitled
17 to any permit for any person authorized in this chapter.

18 3. If the permittee or licensee charged in such proceeding
19 with such violation, be, by final judgment therein, acquitted of said
20 charge, he may apply for and receive a license pursuant to this
21 chapter upon paying therefor the license fee in this chapter
22 required, and by otherwise conforming to all requirements as to
23 such applicants, and with the same right as though he had never
24 held a license under the provisions of this chapter.]

✓